

EPC COMMISSIONERS

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



Richard Garrity, Ph.D.
Executive Director

Richard Tschantz, Esq.
General Counsel

EPC MEETING AGENDA
FEBRUARY 19, 2015

Meetings commence at 9:00 a.m.

601 East Kennedy Boulevard, Tampa, FL

County Center Board Room 2nd Floor

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF CHANGES TO THE AGENDA

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

I. PUBLIC COMMENT

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

II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE

Summary of recent CEAC meeting by CEAC Chair

III. CONSENT AGENDA

- A. Approval of Meeting Minutes: December 18, 20143
- B. Monthly Activity Reports – December 2014 & January 20157
- C. Pollution Recovery Fund Report – October 2014 & January 201519
- D. Monthly Legal Case Summary – January & February 201521

IV. WASTE MANAGEMENT DIVISION

- A. Update RE: Exide Technologies Brownfield Redevelopment Area 25
- B. Petroleum Restoration Program's Annual Budget 27

V. WETLAND MANAGEMENT DIVISION

- A. Report on the Interactions and Coordination between EPC and the (1) Hillsborough County Economic Development; and (2) ELAPP29

VI. AIR MANAGEMENT DIVISION

- Air Quality Update on Ozone Readings in Hillsborough County.....31

VII. LEGAL AND ADMINISTRATIVE SERVICES DIVISION

- A. Legislative Update33
- B. Request for Commission Authorization to Allow Executive Director to Modify or Release Conservation Easements.....35

VIII. EXECUTIVE DIRECTOR REPORT

- A. Affirmative Action Report.....45
- B. 2015 Strategic Planning.....47
- C. Report on Climate Adaption Workshop
- D. Recruitment of EPC's Executive Director51

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

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DECEMBER 18, 2014 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, December 18, 2014, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Lesley Miller Jr. and Commissioners Kevin Beckner, Victor Crist, Al Higginbotham (arrived at 9:04 a.m.), Sandra Murman, and Stacy White.

The following member was absent: Commissioner Ken Hagan.

▶ Chairman Miller called the meeting to order at 9:03 a.m.

▶ INVOCATION AND PLEDGE OF ALLEGIANCE

CHANGES TO THE AGENDA

▶ Dr. Richard Garrity, EPC Executive Director, reviewed the changes to the agenda. ▶ **Commissioner Beckner moved the changes, seconded by Commissioner Murman, and carried six to zero.** (Commissioner Hagan was absent.)

I. PUBLIC COMMENT - ▶ None.

II. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Summary of recent CEAC meeting by CEAC Chairman

▶ Mr. Jason Gorrie, CEAC Chairman, shared current CEAC activities.

III. CONSENT AGENDA

- A. Approval of Meeting Minutes: October 16, 2014
- B. Monthly Activity Reports - October and November 2014
- C. Pollution Recovery Fund (PRF) Reports - October and November 2014
- D. Legal Case Summaries - November and December 2014
- E. Environmental Protection Agency (EPA) Clean Power Plant Rule
- F. PRF Grant 14-03 - Direct Pay to Contractor

THURSDAY, DECEMBER 18, 2014 - DRAFT MINUTES

▶ Chairman Miller asked for a motion to approve consent. **Commissioner Murman so moved, seconded by Commissioner Beckner, and carried six to zero.** (Commissioner Hagan was absent.)

IV. CERTIFICATE OF COMMENDATION TO MR. THOMAS LAFOUNTAIN

▶ Dr. Garrity deferred to Dr. Scott Emery, Director, EPC Wetlands Management Division, who elaborated on the commendation. ▶ Chairman Miller presented the commendation to Mr. Lafountain, who made remarks.

V. WATER MANAGEMENT DIVISION

Artificial Reef Program Update

▶ Mr. Tom Ash, EPC, delivered the update, as displayed in background material.

VI. AIR MANAGEMENT DIVISION

Action Plan Update - Enhanced Outreach

▶ Mr. Jeff Sims, EPC, touched on background material. Comments followed.

VII. LEGAL AND ADMINISTRATIVE SERVICES DIVISION

A. Online Applications and E-Pay

▶ Mr. Tony Alhoms and Ms. Elaine DeLeeuw, EPC, detailed background material.

B. Legislative Policy Update

▶ EPC General Counsel Richard Tschantz provided the update.

C. Strategic Planning for 2015 and Proposed Board Calendar

▶ Mr. Jerry Campbell, EPC, spoke on background material. ▶ Commissioner Murman wanted the EPC to work with the County on economic development strategies and inquired if Development Services had staff available to the public for site development/permitting assistance. ▶ Noting staff recommended approving the strategic planning calendar for 2015, Chairman Miller sought a motion to approve. **Commissioner Murman so moved, seconded by Commissioner Crist, and carried six to zero.** (Commissioner Hagan was absent.)

VIII. EXECUTIVE DIRECTOR REPORT

A. EPC Membership and Dues Payment for Tampa Bay Estuary Program

▶ Dr. Garrity gave an overview on the item.

B. Recruitment of Executive Director Procedures: Bring Back Options at Next Meeting

▶ Dr. Garrity discussed background material and responded to Chairman Miller on the possible timeline. ▶ After requesting the EPC Board be able to add candidate names, Commissioner Higginbotham asked to serve on the search committee. Commissioner Crist suggested including three EPC Board members on the seven-person search committee; did not support hiring a consultant; and, citing a best practices book, proposed Chairman Miller temporarily step down as EPC Chairman if he chose to chair the search committee. Chairman Miller wanted a copy of the best practices book mentioned by Commissioner Crist. ▶ Commissioner Beckner favored a nationwide search and volunteered for the search committee. Talks ensued on past search committee actions, candidate pools, and the search process. Chairman Miller announced the EPC Board would determine the search committee in February 2015. Dr. Garrity reviewed the next steps.

C. Possible Planning on January/February 2015 EPC Board Meeting

▶ Dr. Garrity noted the recommendation to cancel the January 2015 EPC meeting, touched on an upcoming meeting, and commended Ms. Kristine Blake, Digital Media, Communications and Digital Media. After suggesting the EPC move to bimonthly meetings, ▶ Commissioner Murman made the motion to do that, with the stipulation the EPC chairman could still go to a monthly meeting, if necessary, seconded by Commissioner Crist. (The motion was subsequently withdrawn.) Dialogue occurred on an EPC meeting schedule start date and potential issues/solutions. Advising the bimonthly meetings be put on hold and withdrawing the motion, ▶ **Commissioner Murman moved the EPC Board would go to scheduling the EPC meetings still monthly, but it would be on a hold basis upon notification by the chairman if the meetings would not be held on a certain month, seconded by Commissioner Crist.** Upon comments, ▶ **the motion carried six to zero.** (Commissioner Hagan was absent.)

THURSDAY, DECEMBER 18, 2014 - DRAFT MINUTES

D. Update Regarding EPA Air Program Technical Systems Audit

▶ Mr. Alain Watson, EPC, spoke on the item.

▶ There being no further business, the meeting was adjourned at 10:18 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____

Deputy Clerk

jh

DRAFT

**FY 15 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

DEC JAN

A. Public Outreach/Education Assistance

	DEC	JAN
1 Phone calls	141	145
2 Literature Distributed	2	70
3 Presentations	4	3
4 Media Contacts	3	1
5 Internet	37	32
6 Host/Sponsor Workshops, Meetings, Special Events		

B. Industrial Air Pollution Permitting

1 Permit Applications received (Counted by Number of Fees Received)		
a. Operating	5	5
b. Construction	7	1
c. Amendments / Transfers / Extensions	1	0
d. Title V Operating:	0	4
e. Permit Determinations	4	1
f. General	3	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	6	5
b. Construction ¹	4	6
c. Amendments / Transfers / Extensions ¹	2	1
d. Title V Operating ²	11	1
e. Permit Determinations ²	1	1
f. General	1	3
3 Intent to Deny Permit Issued	0	0

C. Administrative Enforcement

1 New cases received	1	0
2 On-going administrative cases		
a. Pending	4	2
b. Active	3	5
c. Legal	0	0
d. Tracking compliance (Administrative)	7	6
e. Inactive/Referred cases	0	0
TOTAL	14	13
3 NOIs issued	2	0
4 Citations issued	0	0
5 Consent Orders Signed	0	0
6 Contributions to the Pollution Recovery Fund	\$0.00	\$0.00
7 Cases Closed	5	1

D. Inspections

1 Industrial Facilities	10	7
2 Air Toxics Facilities		

**FY 15 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

	<u>DEC</u>	<u>JAN</u>
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0	0
b. Major Sources	6	2
3 Asbestos Demolition/Renovation Projects	17	18
E. Open Burning Permits Issued	4	1
F. Number of Division of Forestry Permits Monitored	276	245
G. Total Citizen Complaints Received	42	45
H. Total Citizen Complaints Closed	69	13
I. Noise Complaints Received by EPC (Chapter 1-10)	27	19
J. Noise Complaints Received by Sheriff's Office (County Ord. #12-12)	495	393
K. Number of cases EPC is aware that both EPC & Sheriff responded	2	1
L. List of Historical Sources EPC is aware that both EPC & Sheriff responded		
a. The Rack (3)		
b. 12302 Big Bend		
c. Lake Keystone		
d. Pro Way Recycling (2)		
e. Cheval Athletic Club		
f. Dixie Dockside		
g. 2 Gardenias La Casa De Le Musica Cubana (2)		
h. Airboats on Thonotosassa Lake		
i. Dixie Dockside		
j. Twilight Zone		
k. South Fork - Park		
M. Noise Sources Monitored:	4	3
N. Air Program's Input to Development Regional Impacts:	1	1
O. Test Reports Reviewed:	55	44
P. Compliance:		
1 Warning Notices Issued	6	5
2 Warning Notices Resolved	0	1
3 Advisory Letters Issued	1	4
Q. AOR'S Reviewed	0	0
R. Permits Reviewed for NESHAP Applicability	4	1
S. Planning Documents coordinated for Agency Review	2	8

**FY 15 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

DEC JAN

A. ENFORCEMENT

1.	New cases received	-	-
2.	On-going administrative cases	45	45
	Pending	1	1
	Active	16	16
	Legal	3	3
	Tracking Compliance (Administrative)	24	24
	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	1	-

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	0	0
2.	FDEP Permits Reviewed	0	0
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	1	1
4.	Other Permits and Reports		
	County Permits Received	1	5
	County Permits Reviewed	2	5
	Reports Received (SW/HW + SQG)	18	21
	Reports Reviewed (SW/HW + SQG)	27	21
5.	Inspections (Total)		
	Complaints (SW/HW + SQG)	13	10
	Compliance/Reinspections (SW/HW + SQG)	11	10
	Facility Compliance	20	20
	Small Quantity Generator Verifications	146	146
	P2 Audits	0	0
6.	Enforcement (SW/HW + SQG)		
	Complaints Received	14	17
	Complaints Closed	14	14
	Warning Notices Issued	0	0
	Warning Notices Closed	0	1
	Compliance Letters	112	111
	Letters of Agreement	0	0
	Agency Referrals	0	0
7.	Pamphlets, Rules and Material Distributed	152	148

C. STORAGE TANK COMPLIANCE

1.	Inspections		
	Compliance	69	64
	Installation	11	4
	Closure	8	2
	Compliance Re-Inspections	7	4
2.	Installation Plans Received	3	6

**FY 15 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

	<u>DEC</u>	<u>JAN</u>
3. Installation Plans Reviewed	1	2
4. Closure Plans & Reports		
Closure Plans Received	2	3
Closure Plans Reviewed	2	2
Closure Reports Received	2	-
Closure Reports Reviewed	-	4
5. Enforcement		
Non-Compliance Letters Issued	49	39
Warning Notices Issued	-	-
Warning Notices Closed	-	-
Cases Referred to Enforcement		-
Complaints Received	4	-
Complaints Investigated	4	-
Complaints Referred	-	-
6. Discharge Reporting Forms Received	1	1
7. Incident Notification Forms Received	3	3
8. Cleanup Notification Letters Issued	1	2

D. STORAGE TANK CLEANUP

1. Inspections	18	
2. Reports Received	72	73
3. Reports Reviewed	80	84
Site Assessment Received	3	4
Site Assessment Reviewed	8	3
Source Removal Received	1	6
Source Removal Reviewed	3	7
Remedial Action Plans (RAP'S) Received	1	2
Remedial Action Plans (RAP'S) Reviewed	1	3
Site Rehabilitation Completion Order/No Further Action Rec'	5	2
Site Rehabilitation Completion Order/No Further Action Rev	4	5
Active Remediation/Monitoring Received	21	23
Active Remediation/Monitoring Reviewed	22	24
Others Received	41	
Others Reviewed	42	

E. RECORD REVIEWS

18	24
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F. LEGAL PIR'S

31	23
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**FY 15 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

		<u>DEC</u>	<u>JAN</u>
A. ENFORCEMENT			
1.	New Enforcement Cases Received	-	1
2.	Enforcement Cases Closed	4	
3.	Enforcement Cases Outstanding	13	13
4.	Enforcement Documents Issued	2	1
5.	Recovered Costs to the General Fund	\$ 1,000	\$ 500
6.	Contributions to the Pollution Recovery Fund	\$ 833	\$ 3,833
B. PERMITTING/PROJECT REVIEW - DOMESTIC			
1.	Permit Applications Received	10	18
	a. Facility Permit	1	3
	(i) Types I and II	-	2
	(ii) Type III	1	1
	b. Collection Systems - General	3	6
	c. Collection systems-Dry Line/Wet Line	6	9
	d. Residuals Disposal	-	-
2.	Permit Applications Approved	18	37
	a. Facility Permit	1	2
	b. Collection Systems - General	1	7
	c. Collection systems-Dry Line/Wet Line	9	8
	d. Residuals Disposal	-	-
	e. Final Construction Approval	7	20
3.	Permit Applications Recommended for Disapproval	1	-
	a. Facility Permit	-	-
	b. Collection Systems - General	1	-
	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	19	20
	a. Facility Permit	7	8
	b. Collection Systems - General	3	2
	c. Collection systems-Dry Line/Wet Line	9	10
	d. Residuals Disposal	-	-
7.	Permit Determination	5	-
8.	Special Project Reviews	-	-

**FY 15 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

		<u>DEC</u>	<u>JAN</u>
	a. Reuse	-	-
	b. Residuals/AUPs	-	-
	c. Others	-	-
C. INSPECTIONS - DOMESTIC			
1.	Compliance Evaluation	3	17
	a. Inspection (CEI)	1	6
	b. Sampling Inspection (CSI)	2	11
	c. Toxics Sampling Inspection (XSI)	-	-
	d. Performance Audit Inspection (PAI)	-	-
2.	Reconnaissance	29	36
	a. Inspection (RI)	5	10
	b. Sample Inspection (SRI)	-	1
	c. Complaint Inspection (CRI)	24	26
	d. Enforcement Inspection (ERI)	-	-
3.	Engineering Inspections	12	20
	a. Reconnaissance Inspection (RI)	-	1
	b. Sample Reconnaissance Inspection (SRI)	-	-
	c. Residual Site Inspection (RSI)	-	-
	d. Preconstruction Inspection (PCI)	-	-
	e. Post Construction Inspection (XCI)	12	18
	f. On-site Engineering Evaluation	-	1
	g. Enforcement Reconnaissance Inspection (ERI)	-	-
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL			
1.	Permit Applications Received	3	2
	a. Facility Permit	2	2
	(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	-	-
	(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	1
3.	Special Project Reviews	1	1
	a. Facility Permit	-	1
	b. General Permit	1	-
4.	Permitting Determination	1	-
5.	Special Project Reviews	31	34

**FY 15 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

		<u>DEC</u>	<u>JAN</u>
	a. Phosphate	2	5
	b. Industrial Wastewater	12	9
	c. Others	17	20
E. INSPECTIONS - INDUSTRIAL			
1.	Compliance Evaluation (Total)	14	6
	a. Inspection (CEI)	14	6
	b. Sampling Inspection (CSI)	-	-
	c. Toxics Sampling Inspection (XSI)	-	-
	d. Performance Audit Inspection (PAI)	-	-
2.	Reconnaissance (Total)	12	4
	a. Inspection (RI)	2	-
	b. Sample Inspection (SRI)	-	-
	c. Complaint Inspection (CRI)	10	4
	d. Enforcement Inspection (ERI)		
3.	Engineering Inspections (Total)	5	4
	a. Compliance Evaluation (CEI)	5	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	25	38
	(i) Received	16	24
	(ii) Closed	19	14
	b. Industrial	25	4
	(i) Received	7	2
	(ii) Closed	18	2
2.	Warning Notices		
	a. Domestic	-	1
	(i) Issued	-	1
	(ii) Closed	-	-
	b. Industrial	3	4
	(i) Issued	3	4
	(ii) Closed	-	-
3.	Non-Compliance Advisory Letters	8	13
4.	Environmental Compliance Reviews	70	72
	a. Industrial	11	7
	b. Domestic	59	65

**FY 15 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

		<u>DEC</u>	<u>JAN</u>
	5. Special Project Reviews	14	21
G. RECORD REVIEWS			
	1. Permitting Determination	1	2
	2. Enforcement	-	-
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED (LAB)			
	1. Air division	68	81
	2. Waste Division	-	-
	3. Water Division	6	20
	4. Wetlands Division	-	-
	5. ERM Division	170	177
	6. Biomonitoring Reports	1	5
	7. Outside Agency	14	17
I. SPECIAL PROJECT REVIEWS			
	1. DRIs	1	-
	2. ARs	-	-
	3. Technical Support	-	1
	4. Other	-	4

**FY 15 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

DEC JAN

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	90	80
Timeframes Met	98%	95%
Year to Date	98%	98%

Formal Wetland Delineation Surveys

Projects	6	10
Total Acres	22	174
Total Wetland Acres	1	49
# Isolated Wetlands < 1/2 Acre	3	3
Isolated Wetland Acreage	0.71	0.38

Construction Plans Approved

Projects	17	14
Total Wetland Acres	22	26
# Isolated Wetlands < 1/2 Acre	4	1
Isolated Wetland Acreage	0.59	0.03
Impacts Approved Acreage	0.67	8.53
Impacts Exempt Acreage	0.11	7.03

Mitigation Sites in Compliance

Ratio	12	8/9
Percentage	100%	89%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.60	0.30
Acreage of Water Quality Impacts	0.00	0.00
Acreage Restored	1.9	0.30

TPA Minor Work Permit

Permit Issued	23	34
Permits Issued Fiscal Year 2014	82	116
Cumulative Permits Issue Since TPA Delegation (07/09)	1,159	1,193

REVIEW TIMES

# of Reviews	308	311
% On Time	95%	97%
% Late	5%	3%

**FY 15 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

DEC JAN

A. General

1.	Telephone conferences	494	649
2.	Unscheduled Citizen Assistance	175	434
3.	Scheduled Meetings	311	337
4.	Correspondence	2,047	2,805
1/ 5.	Intergency Coordination	90	104
1/ 6.	Trainings	20	26
1/ 7.	Public Outreach/Education	-	-
1/ 8.	Quality Control	18	25

B. Assessment Reviews

1.	Wetland Delineations	12	23
2.	Surveys	7	9
3.	Miscellaneous Activities in Wetland	15	22
4.	Mangrove	1	8
5.	Notice of Exemption	4	2
6.	Impact/Mitigation Proposal	7	5
7.	Tampa Port Authority Reviews	83	65
8.	Wastewater Treatment Plants (FDEP)	-	-
9.	Development Regn'l Impact (DRI) Annual Report	-	-
10	On-Site Visits	82	125
11	Phosphate Mining	-	-
12	Comp Plan Amendment (CPA)	-	1
1/ 13	AG SWM	2	3
	Sub-Total		

Planning and Growth Management Review

14	Land Alteration/Landscaping	3	3
15	Land Excavation	1	-
16	Rezoning Reviews	24	12
17	Site Development	20	14
18	Subdivision	39	46
19	Wetland Setback Encroachment	2	1
20	Easement/Access-Vacating	-	-
21	Pre-Applications	28	50
1/ 22	Agriculture Exemption	-	-
	Sub-Total		
	Total Assessment Review Activities		

C. Investigation and Compliance

1.	Warning Notices Issued	6	4
2.	Warning Notices Closed	9	4
1/ 3.	Complaints Closed	35	25
4.	Complaint Inspections	30	46
5.	Return Compliance Inspections for Open Cases	41	36

**FY 15 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

	<u>DEC</u>	<u>JAN</u>
6. Mitigation Monitoring Reports	6	5
7. Mitigation Compliance Inspections	22	11
8. Erosion Control Inspections	5	5
9. MAIW Compliance Site Inspections	-	3
10. TPA Compliance Site Inspections	34	12
2/ # Mangrove Compliance Site Inspections	2	2
1/ # Conservation Easement Inspection	4	8

D. Enforcement

1. Active Cases	10	10
2. Legal Cases	2	2
3. Number of "Notice of Intent to Initiate Enforcement"	4	-
4. Number of Citations Issued	-	-
5. Number of Consent Orders Signed	3	1
6. Administrative - Civil Cases Closed	1	1
7. Cases Referred to Legal Department	2	2
8. Contributions to Pollution Recovery	\$4,900	\$ 225
9. Enforcement Costs Collected	\$ 778	\$ 224

E. Ombudsman

1. Agriculture	1	10
2. Permitting Process & Rule Assistance	1	-
3. Staff Assistance	1	-
4. Citizen Assistance	1	-

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 15 POLLUTION RECOVERY FUND
10/1/2014 through 1/31/2015**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 537,486	Artificial Reef	\$ 24,632	Minimum Balance	\$ 120,000	
Interest	\$ 985	Open Projects	\$ 284,333	Proj. FY 16 Budgets	\$ 24,632	
Deposits	\$ 114,842			Asbestos Removal	\$ 5,000	
Fund 10132 Balance	\$ 210,964					
Total	\$ 864,277	Total	\$ 308,965	Total	\$ 149,632	\$ 405,680



PROJECT		Project Amount	Project Balance
FY 12 Projects			
Bahia Beach Mangrove Enhancement	10131.102063.581990.5370.1187	\$ 56,700	\$ 56,700
USGS Partnership	10131.102063.581990.5370.1188	\$ 25,000	\$ 18,750
		\$ 81,700	\$ 75,450
FY 13 Projects			
USF Fertilizer Study Peer Review	10131.102063.581990.5370.1189	\$ 25,000	\$ 25,000
Community Partnering Program	10131.102073.582990.5370.0000	\$ 15,000	\$ 15,000
		\$ 40,000	\$ 40,000
FY 14 Projects			
Mercury Collection Public Education	10131.102063.581990.5370.1176	\$ 5,000	\$ 5,000
Electric Car Charging Station Software	10131.102063.581990.5370.1175	\$ 4,200	\$ 1,400
Audubon Oyster Bar Restoration	10131.102063.582990.5370.1177	\$ 50,000	\$ 33,230
Lake Magdalene Outfall	10131.102063.582990.5370.1178	\$ 50,000	\$ 50,000
		\$ 109,200	\$ 89,630
FY 15 Projects			
TBW Rock Ponds Wetland Restoration	10131.102063.582990.5370.1247	\$ 50,000	\$ 50,000
Agricultural Pesticide Collection Day	10131.102063.581990.5370.1248	\$ 24,241	\$ 24,241
East Lake Watershed Edu. & Restoration	10131.102063.582990.5370.1249	\$ 5,012	\$ 5,012
		\$ 79,253	\$ 79,253
			\$ 284,333

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 19, 2015

Subject: Monthly Legal Case Summary – January and February 2015

Agenda Section: Consent Agenda

Item: Legal and Administrative Services Division

Recommendation: None, informational update.

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

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

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

EPC LEGAL DEPARTMENT MONTHLY REPORT
January and February 2015

I. ADMINISTRATIVE CASES

Jeffrey Willis and Terri Willis [14-EPC-008]: The Appellants filed a Notice of Appeal on July 3, 2014 challenging the issuance of the TPA Minor Work Permit No. 56663. On July 22, 2014 a Hearing Officer was appointed and the appeal was transferred to the Hearing Officer to conduct an administrative hearing in this matter. On July 25, 2014, the Hearing Officer issued an Order of Consolidation joining this appeal with two other appeals that challenge the same Agency decision; 14-EPC-005; 14-EPC-006; and 14-EPC-008. The parties are engaging in discovery and the matter has tentatively been scheduled for a hearing on the week of January 12, 2015. The hearing date will likely be moved again. (AZ)

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

Randy Ogden and Mindy Ogden [14-EPC-005]: The Appellants filed a Notice of Appeal on July 1, 2014 challenging the issuance of the TPA Minor Work Permit No. 56663. On July 22, 2014 a Hearing Officer was appointed and the appeal was transferred to the Hearing Officer to conduct an administrative hearing in this matter. On July 25, 2014, the Hearing Officer issued an Order of Consolidation joining this appeal with two other appeals that challenge the same Agency decision; 14-EPC-005; 14-EPC-006; and 14-EPC-008. See above for current status. (AZ)

J.E. McLean, III and RaceTrac Petroleum, Inc. [12-EPC-014]: On October 24, 2012, the Appellants, RaceTrac Petroleum, Inc. and the property owner, filed a request for an extension of time to file an Appeal challenging the Executive Director's denial for wetland impacts on the corner of Lumsden and Kings Avenue. The extension was granted and the Appellants filed an appeal in this matter on December 7, 2012. A Hearing Officer has been assigned and conducted a case management conference. This matter has been placed in abeyance as the parties are discussing options.(AZ)

II. CIVIL CASES

WOB S. Tampa, LLC [14-EPC-003]: On May 15, 2014, the World of Beer in South Tampa filed a Complaint in Civil Court for declaratory and injunctive relief against the City of Tampa and EPC regarding noise pollution issues. A trial is set for early January 2015. The parties agreed at mediation to abate the litigation for six months and continue to negotiate. (RM)

Greg and Karin Hart [LEPC10-004]: On March 18, 2010, the Commission granted authority to take legal action against the Defendants Mr. and Mrs. Greg Hart for various impacts to wetlands that are violations of the EPC Act, Chapter 1-11 (Wetland Rule), and a conservation easement encumbering the Defendants' property. On March 29, 2010, the EPC filed a civil lawsuit in Circuit Court. The case was consolidated with a related Hillsborough County case seeking an injunction to remove fill from a drainage canal. A second mediation on January 21, 2011, resulted in a very limited partial settlement with EPC and full settlement with the County. A jury trial was held the week of September 19, 2011. The jury returned a verdict in favor of the EPC. Defendants filed a motion for new trial and an appeal of the jury verdict. The appeal was dismissed as premature and the request for a new trial was denied. The Defendants then appealed the denial of a new trial, which was dismissed. A Final Judgment Against Defendants was entered on March 5, 2012, requiring Defendants to restore the wetland and pay penalties. Defendants filed a Motion for Relief from Judgment dated May 22, 2012 and the court denied the motion on July 30, 2012. On July 31, 2012, the court awarded the EPC reasonable trial costs. The Harts moved for re-consideration of the Motion for Relief from Judgment denial and it was denied. An appeal of the denial was dismissed. The EPC moved for contempt for failure to

restore the wetland, but the Court ordered the EPC to conduct the wetland remediation and to tax those costs to the Defendants. The Harts began the remediation process in early February 2015. (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 obtained an award of stipulated penalties from the state court. The site remains out of compliance with applicable EPC solid waste regulations and no liens have been paid. The bankruptcy case is ongoing. (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. The EPC has a lien on the property and will wait until the property is purchased by a new party and any remaining petroleum at the site, if necessary, will be remediated at that time. The case will be closed. (AZ)

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

Thomas Jennings and Lorene Hall-Jennings [14-EPC011]: On October 7, 2014, the EPC was served with a Declaratory Action challenging the validity of a conservation easement conveyed to the EPC on September 16, 1997. The EPC Legal Department has responded to the lawsuit in an Answer and the case will move forward as appropriate. (AZ)

Saddlewood Investments, LLC v. Palencia Apartments, et al. [14-EPC012]: On October 13, 2014, the Plaintiff Saddlewood Investments, LLC served an amended lawsuit on the EPC for a statutory easement by way of necessity through a Conservation Easement held by the EPC. The Legal Department filed an Answer stating there remain other more suitable locations to access the landlocked parcel and the case will move forward as appropriate. (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.

Robert Vance v. John Vath and EPC, [15-EPC-001]: On January 15, 2015, the Appellant filed a request for an extension of time to file an Appeal challenging the issuance of Tampa Port Authority MWP #54731. The request was granted and the Appellant has until March 2, 2015 to file an appeal in this matter. (AZ)

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: 2/19/15

Subject: Update RE: Exide Technologies Brownfield Redevelopment Area

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

Division: Waste Management

Recommendation: Informational Report

Brief Summary: This informational report updates the Board with regard to the current status of the cleanup and redevelopment of the Exide Technologies Brownfield site located in Tampa, Hillsborough County, FL.

Financial Impact: No Financial Impact

Background: The Exide Technologies site, which is an historic lead acid battery manufacturing and lead smelting site, was designated a Brownfield Area by the BOCC in July 2014, with a Brownfield Site Rehabilitation Agreement having been executed by the FDEP on December 29, 2014.

Staff is providing an update to the Board as to the current status of site and the redevelopment plan.

List of Attachments: None

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 19, 2015

Subject: Petroleum Restoration Program's Annual Budget

Agenda Section: Regular Agenda

Item: Waste Management Division

Recommendation: Authorize the chairman to send a letter on behalf of the commission to the legislative leadership and the local legislative delegation in support of FDEP's efforts to increase the funding for local government contracts in petroleum restoration program from \$7 million to \$15 million.

Brief Summary: [Click to insert short paragraph summary]

Financial Impact: [No Financial Impact]

Background: [The Environmental Protection Commission (EPC) of Hillsborough County and 13 other local programs have contracts with the Florida Department of Environmental Protection (FDEP) to administer the Petroleum Restoration Program. The annual budget of \$12million for these local cleanup contracts was reduced to \$7 million due to reduction in state revenues caused by the economic down turn which in turn slowed down cleanup of petroleum contaminated sites. With the state revenues on the rise and the leadership's desire to speed up assessment of all the reported discharges within the next 5 years, FDEP plans to rely on local programs to absorb majority of the increased workload. The increased workload resulting from this change necessitates an increase of \$8 million to the currently proposed budget of \$7million for local government petroleum contracts for the upcoming state fiscal year. The FDEP has encouraged representatives of local governments to assist the department in communicating this need to the legislative bodies as they prepare for the upcoming session.]

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

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 19, 2015

Subject: Report on the Interactions and Coordination between EPC and the (1) Hillsborough County Economic Development Department; and (2) ELAPP Regular Agenda

Agenda Section: Regular Agenda

Item: Wetlands Management Division

Recommendation: Accept staff reports/updates describing the interactions and coordination.

Brief Summary: (1) Through frequent interactions and coordination activities with multiple County departments, EPC has been developing a greater ability to anticipate potential issues early on and work with the various County departments to address them early on in the process. EPC has for multiple years been an active participant in the ELAPP process, at both the General Committee and technical committee levels.

Financial Impact: (1) There is a positive financial effect upon applicants. There is a potential decreased amount of revenue to EPC from reduced fines and penalties resulting from more applicants being able to successfully navigate the permitting process (which EPC will happily accept). (2) There is no measureable financial impact from EPC's relationship on the ELAPP General Committee.

Background:

EPC Wetlands Management Division staff has been coordinating with HC Economic Development Department (EDD) staff for approximately one year in their effort to develop a set of Competitive Sites for attracting high wage employers from targeted industries. Staff provided input to EDD for the development of the screening and ranking process leading to staff ranking of 273 sites in HC & cities into three Tier Groups. Mr. Mike Thompson (Wetlands Management Division's point person for this coordination) will present a brief summary of the process of ranking the sites into one of three Tier Groups.

EPC Wetlands Management Division staff has been active participants on the ELAPP General Committee for multiple years. Currently, Dr. Scott Emery is a voting member on the ELAPP Committee. His back-up to the ELAPP Committee is Mr. Chris Cooley. Both Dr. Emery and Mr. Cooley, and, in fact, the entire Wetlands Management Division, has made themselves available to the members of the County's Parks, Recreation and Conservation Department for multiple types of assistance. Dr. Emery will verbally summarize some of these activities.

Recommendation: Accept these informational updates.

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

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 19, 2015

Subject: Air Quality Update on Ozone Readings in Hillsborough County

Agenda Section: Regular Agenda

Item: Air Management Division

Recommendation: Receive brief informational report.

Brief Summary: This past December the American Lung Association (ALA) came out with their annual report and gave Tampa a failing grade for air quality. Staff responded to media request for more information and we intend to cover that in a brief presentation. The main points are that the area is in attainment with the EPA's health based standard and the air quality trends continue to show significant improvement.

Financial Impact: No Financial Impact.

Background: EPC has been monitoring the ambient air in Hillsborough County for the pollutant ozone since the early seventies. During this time, EPA has revised their standard on numerous occasions to reflect the most recent health-based studies. Even though the ozone numbers have been trending down in this area for over twenty years, the air quality improvements did not result in an attainment designation of the EPA standard until July of 2012. This designation stands today.

Concurrent to the regulatory process, the ALA does an annual report to help get their message out about the importance of healthy air. They have devised a grading system and assign one to each major metropolitan area. Their 2014 report, which was released in December and was based on 2011-2013 data, gave Tampa failing marks.

Staff has reviewed their report to determine how they reached their conclusion, and we will be giving a brief presentation. We also will address the current EPA proposal to tighten the ozone standard again and discuss how we would fare.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 19, 2015

Subject: Legislative Update

Agenda Section: Regular Agenda

Item: Legal and Administrative Services Division

Recommendation: Informational Report only

Brief Summary: The 2015 Florida Legislative Session commences on March 3, 2015 and ends May 1, 2015. The EPC staff tracks dozens of environmental and administrative bills and the State budget. Staff will present a brief summary of environmental bills. The two main bills predicted to have the most attention are Constitutional Amendment 1 and springs protection.

Financial Impact: No Financial Impact

Background:

The 2015 Florida Legislative Session commences on March 3, 2015. It lasts for 60 days and is scheduled to end May 1, 2015. The EPC staff tracks dozens of environmental and administrative bills and relevant portions of the State budget. Additionally staff provides comments, analysis, and assistance to the County's Public Affairs Office, the Florida Association of Counties, and the Florida Local Environmental Resource Agencies (FLERA). The Commission approved a basic legislative strategy (EPC Policy No. 2007-02) on March 15, 2007, that gives staff continuing direction to monitor, comment on, and lobby for, among other things, bills that impact the functions of the EPC. This policy was presented to the Commission again December 18, 2014.

The following are a few bill of interest:

1) **WATER POLICY.** The State Affairs Committee has drafted a Proposed Committee Bill currently entitled PCB SAC 15-01 (Water Resources). Late last session it was made clear that the majority of environmental legislation this session will be focused on water quality issues (e.g. – springs protection). Last year a very comprehensive bill regarding springs protection was proposed but it only had support in the Senate and it failed. Now the House State Affairs Committee has proposed comprehensive water protection legislation that goes beyond just springs protection. Among other things, the bill proposes to designate all first magnitude springs as Priority Florida Springs (PFS); requires the establishment of a spring protection zone for each PFS; Requiring water management districts (WMDs) to develop new or revise existing recovery and prevention strategies for PFS; requires the DEP to complete an assessment of water quality for each PFS and assign total maximum daily loads (TMDLs) for all PFS; establish a direct link between the water supply planning process and the development of WMD annual funding plans for water resource and water supply projects; and revise laws to improve protection for the Everglades.

2) **AMENDMENT 1** and SB 586. The other large environmental focus of the session will be how to implement Florida Constitutional Amendment 1. On January 7, 2015, the Senate Environmental Preservation and Conservation Committee met to discuss the implementation of Constitutional Amendment 1 that won with large

List of Attachments: None

support in the Nov. 2014 election. The Amendment dedicates 33 percent of net revenue from the existing excise tax on documents to the Land Acquisition Trust Fund (LATF). This may generate approximately \$600 million annually. The Senate committee definitely had differences of opinion on what the amendment meant. Some members argue the funds are only for land acquisition and others assert it is for a mix of land acquisition and environmental improvement projects. Some Senators and most providing public comment made it clear that the Legislature should not raid or re-allocate other environmental funds now that this Amendment 1 fund exists. Chair Dean made it clear that they Senate will do a thorough study of all environmental programs and their funding sources before they decide what to do with this money.

We expect to see multiple bills attempting to define how to spend the funds generated by Amendment 1. Senator Charlie Dean recently proposed SB 586 and 584 (entitled "Implementation of The Water and Land Conservation Constitutional Amendment"). This is a very comprehensive bill that merits additional analysis, but we do not expect a negative impact on EPC functions. SB 586 deletes many current statutory references to directing funds to the Land Acquisition Trust Fund and other funds in various environmental programs, but it is unclear if this is intended to reflect the new required distribution of the 33% or whether it is an effort to deplete other funds and now use the new LATF funds for those programs.

3) **PERMITTING AND EXACTIONS (SB 284).** Sponsored by Sen. Diaz de la Portilla. This bill creates the same challenge rights a person has for unreasonable takings of land and expands it to any exactions that are extortionate. It amends the major DEP and WMD permitting statutes: Chapters 245 (state lands), 373 (wetlands/waters), and 403 (water/air/waste) of the Florida Statutes. Basically, it gives parties 90 days to file an administrative claim of an extortionate action (e.g. – an unreasonable permit conditions). If proved extortionate, than the party can seek remedy in circuit court. A person must prove via an administrative hearing that an agency action is "an unreasonable exercise of the state's police power constituting an exactions taking as a result of extortionate demands that impermissibly burden the constitutional right not to have the property taken without just compensation." The remedy could be among other things - permit issuance or damages.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 19, 2015

Subject: Request for Commission authorization to allow Executive Director to modify or release conservation easements.

Agenda Section: Regular Agenda

Item: Legal and Administrative Services Division

Recommendation: The Executive Director seeks Commission authorization to modify and release a portion of an existing recorded conservation easement on land previously owned by Tampa Bay Water and now owned by Hillsborough County and to grant the Executive Director authorization to modify or release future conservation easements.

Brief Summary: The EPC routinely accepts conservation easements in consideration of mitigation for wetland and other surface water impacts as part of the State Uniform Mitigation Assessment Method. Occasionally these recorded interests in real property must be modified and/or released based on future permitting and other issues. The EPC Legal Department and the Wetlands Division are requesting that the Commission grant the Executive Director the authority to modify and/or release these recorded easements. In particular an easement granted by Tampa Bay Water and recorded on November 29, 2004 needs to be modified and a portion of the encumbered easement area released. The staff recommends the Executive Director be granted the authority to execute the modified conservation easement on this property and requests the Executive Director be granted authority to modify or release conservation easements in the future.

Financial Impact: No Financial Impact

Background:

Pursuant to the Hillsborough County Environmental Protection Act Chapter 84-446, Laws of Florida, as amended, Chapter 1-11, Rules of the EPC, and the Florida Uniform Mitigation Assessment Method adopted in Chapter 1-11, the EPC accepts conservation easements over properties in Hillsborough County as part of the wetland mitigation for impacts to wetlands and other surface waters. On November 15, 2004, Tampa Bay Water conveyed a conservation easement to the EPC, recorded on November 29, 2004 in Official Record Book 14439, Page 1700 of the Public Records of Hillsborough County, Florida (the "TBW Project Easement"), encumbering nine conservation areas, one of which is identified as conservation area "E3" ("Conservation Area E3") and described on pages 1713 and 1714 of the TBW Project Easement. Due to a change in the requirements and methodologies for wetland delineation in the State of Florida, the description of Conservation Area E3 as set forth in the TBW Project Easement does not accurately describe the current limits of the jurisdictional wetlands identified by EPC. A more accurate description of the property identified in the attached Deed of Conservation Easement more accurately describes the jurisdictional wetland and 30 foot wetland buffer that should be encumbered by a conservation easement for purposes of complying with applicable permitting requirements. The property is currently owned by Hillsborough County. The EPC staff recommends that the subject conservation easement be modified to identify the more accurate boundary of the wetland limits and release those portions of the conservation easement that are not required to be protected pursuant to the mitigation agreement. The EPC

List of Attachments: "Deed of Conservation Easement" 35

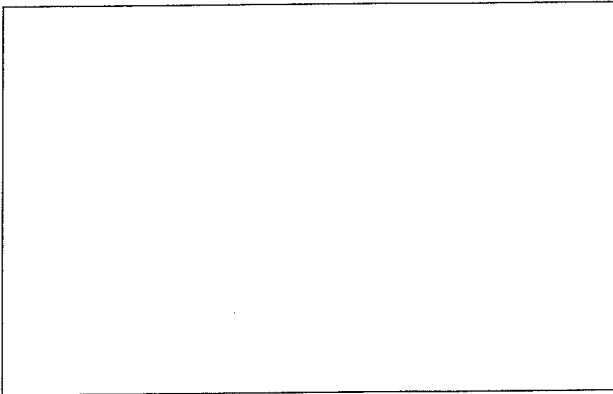
Executive Director is requesting Commission authority to execute the modified conservation easement to release that portion of the currently encumbered area from the original easement.

In addition, the Executive Director is also requesting the Commission approval for the future modification or release of executed and recorded conservation easements held by the EPC. The EPC Wetlands Management Division occasionally receives request to modify conservation easements based on change of circumstances, including required impacts to conservation areas, changes in site conditions or sometime title issues that require a modification of an existing conservation easement. Rather than bringing these modifications and/or releases to the Commission for approval, the Executive Director seeks the authority to grant these modifications and/or releases without Commission vote.

Staff recommends that the Commission authorize the Executive Director to modify the subject conservation easement and authorize the Executive Director to execute future modifications and/or releases to conservation easements.

DEED OF CONSERVATION EASEMENT

Prepared by: T. Andrew Zodrow, Esq.
Return to: Environmental Protection Commission
3629 Queen Palm Dr.
Tampa, Florida, 33619
Attn: Wetlands Management Division



THIS DEED OF CONSERVATION EASEMENT is given this _____ day of _____ 2015, by HILLSBOROUGH COUNTY, a political subdivision of the State of Florida, having an address of P.O. Box 1110, Tampa Florida 33601 (Grantor) to the ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY, whose address is 3629 Queen Palm Dr., Tampa, Florida 33619 (EPC or Grantee). As used herein, the term Grantor shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the Property (as hereinafter defined) and the term Grantee shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the sole owner in fee simple of certain lands situated in Hillsborough County, Florida, more specifically described in **Exhibit "A"** attached hereto and incorporated herein (the "Property");

WHEREAS, under the jurisdiction of the Environmental Protection Commission of Hillsborough County (EPC) pursuant to the Hillsborough County Environmental Protection Act Chapter 84-446, Laws of Florida, as amended, and Chapter 1-11, Rules of the EPC, the EPC may accept conservation easements over properties in Hillsborough County; and

WHEREAS, on November 15, 2004, Tampa Bay Water conveyed a conservation easement to the EPC, recorded on November 29, 2004 in Official Record Book 14439, Page 1700 of the Public Records of Hillsborough County, Florida (the "TBW Project Easement"), encumbering nine conservation areas, one of which is identified as conservation area "E3" ("Conservation Area E3") and described on pages 1713 and 1714 of the TBW Project Easement; and

WHEREAS, due to a change in the requirements and methodologies for wetland delineation in the State of Florida, the description of Conservation Area E3 as set forth in the TBW Project Easement does not accurately describe the current limits of the jurisdictional wetlands identified by EPC; and

WHEREAS, the description of the Property set forth in Exhibit "A" more accurately describes the jurisdictional wetland and 30 foot wetland buffer that should be encumbered by a

conservation easement for purposes of complying with applicable permitting requirements; and

WHEREAS, Grantor desires to convey this conservation easement to EPC for the purpose of encumbering the Property described in Exhibit "A", and facilitating the release of the easement interest held by EPC over and upon the land described as Conservation Area E3 in the TBW Project Easement; and

WHEREAS, it is the intent of Grantor and Grantee that this conservation easement will prevent adverse impacts to water quality and natural resources, including fish, wildlife, and wetland or other surface water functions.

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, together with other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, Grantor hereby voluntarily grants and conveys a perpetual conservation easement, as defined in Section 704.06, Florida Statutes, for and in favor of the Grantee upon the Property which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature and character of this conservation easement shall be as follows:

1. Purpose. The purpose of this conservation easement is to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife.
2. Rights of Grantee. To carry out this purpose, the following rights are conveyed to Grantee by this easement:
 - a. The right to take action to preserve and protect the environmental value of the Property, as set forth in paragraph 2.c., below;
 - b. The right to enter upon and inspect the Property in a reasonable manner and at reasonable times, including the right to use vehicles and all necessary equipment to determine if Grantor is complying with the covenants and prohibitions contained in this conservation easement; and
 - c. The right to enforce this conservation easement by injunction or proceed at law or in equity to enforce the provisions of this conservation easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities hereinafter set forth, and the right to require Grantor to restore such areas or features of the Property that may be damaged by any Prohibited Uses.
3. Rights of the Army Corps of Engineers. To carry out this purpose, the following rights are conveyed to the Army Corps of Engineers by this easement:
 - a. The right to enter upon and inspect the Property in a reasonable manner and at reasonable times, including the right to use vehicles and all necessary equipment to

determine if Grantor or its successors and assigns are complying with the conditions of the Army Corps of Engineers' permit number _____.

b. The right to enforce the conditions of the Corps of Engineers permit number _____.

4. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this conservation easement is prohibited. Without limiting the foregoing, the following activities and uses are expressly prohibited:

- a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
- c. Removal or destruction of trees, shrubs, or other vegetation, including the removal, destruction, trimming or alteration of mangroves, except for any maintenance or removal of invasive exotic plant species in accordance with a plan approved by the EPC;
- d. Planting or seeding of plants that are outside its natural range or zone of dispersal and has or is able to form self-sustaining, expanding, and free-living populations in a natural community with which it has not previously associated;
- e. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance;
- f. Surface use except for purposes that permit the land or water area to remain in its natural condition;
- g. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking, fencing and use by farm animals for grazing; and
- h. Acts or uses detrimental to such aforementioned retention of land or water areas in a natural state.

5. Reserved Rights. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and which are not inconsistent with any EPC rule, permit and the intent and purposes of this conservation easement.

6. Public Access. No right of access by the general public to any portion of the Property is conveyed by this conservation easement.

7. Responsibilities of Parties. Grantor shall take responsibility for any costs or liabilities related to the operation, upkeep or maintenance of the Property, if necessary to preserve and protect the environmental value of the Property. In addition Grantee shall have no responsibility for any costs or liabilities related to the operation, upkeep or maintenance of the Property.
8. Taxes. Grantor shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Property, and shall furnish Grantee with satisfactory evidence of payment upon request.
9. Liability. Grantee will assume all liability, up to the scope and limits provided in Florida Statutes §768.28, for any injury or damage to the person or property of third parties which may occur on the Property arising from the negligence of the Grantee. Neither Grantee nor any person or entity claiming by or through Grantee shall hold Grantor liable for any damage or injury to person or personal property which may occur on the Property, unless the damage or injury arose from the negligence of the Grantor. Furthermore, the Grantee shall indemnify and hold harmless Grantor up to the scope and limits provided in Florida Statutes §768.28, for all liability, any injury or damage to the person or property of third parties caused by the negligence of the Grantee. Likewise, Grantor shall assume all liability for any injury or damage to the person or property of third parties which may occur on the Property arising from the negligence of the Grantor. Furthermore, the Grantor shall indemnify and hold harmless Grantee for all liability, any injury or damage to the person or property of third parties arising out of the negligence of the Grantor.
10. Hazardous Waste. Grantor covenants and represents that to the best of its knowledge prior to its acquisition of the Property and that since its acquisition of the Property, no hazardous substance or toxic waste exists nor has been generated, treated, stored, used, disposed of, or deposited in or on the Property, and that there are not now any underground storage tanks located on the Property.
11. Enforcement Discretion. Enforcement of the terms, provisions and restrictions of this conservation easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights.
12. Venue and Enforcement Costs. The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other appropriate available remedies, and Grantor consents that venue for such enforcement actions shall lie exclusively in the circuit court of the Thirteenth Judicial Circuit, in Hillsborough County, Florida. If the Grantee prevails in an enforcement action, it shall be entitled to recover the cost of restoring the land to the natural vegetative and hydrologic condition existing at the time of execution of the conservation easement or to the vegetative and hydrologic condition required by the aforementioned Mitigation Agreement. These remedies are in addition to any other remedy, fine or penalty which may be applicable under Chapter 84-446, Laws of Florida.

13. Assignment of Rights. Grantee will hold this conservation easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this conservation easement except to another organization qualified to hold such interests under applicable state laws.
14. Recording in Land Records. Grantor shall record this conservation easement and any amendments hereto within thirty (30) days of execution of this easement in the Official Records of Hillsborough County, Florida. Grantor shall pay all recording costs and taxes necessary to record this conservation easement in the public records.
15. Successors. The covenants, terms, conditions and restrictions of this conservation easement shall be binding upon, and inure to the benefit of the parties hereto and their respective successors and assigns and shall continue as a servitude running in perpetuity with the Property.
16. Notices. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given as of the second business day after mailing if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

To the Grantor: Hillsborough County
Public Works Department
P. O. Box 1110
Tampa, FL 33601
Attn: Director

With a Copy to: Hillsborough County Attorney
P. O. Box 1110
Tampa, Florida 33601
Attn: County Attorney

If to Grantee: Environmental Protection Commission
3629 Queen Palm Dr.
Tampa, Florida, 33619
Attn: Wetlands Management Division

With Copy to: Environmental Protection Commission
3629 Queen Palm Dr.
Tampa, Florida, 33619
Attn: Executive Director

17. Subsequent Deeds. Grantor shall insert the terms and restrictions of this conservation easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Property. Grantor further agrees to give written notice to Grantee of

the transfer of any interest at least twenty days prior to the date of such transfer. The failure of Grantor to perform any act required by this paragraph shall not impair the validity of this conservation easement or limit its enforceability in any way.

18. Severability. If any provision of this conservation easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this conservation easement shall not be affected thereby, as long as the purpose of the conservation easement is preserved.
19. Alteration or Revocation. This conservation easement may be amended, altered, released or revoked only by modification of the Mitigation Agreements as necessary and written agreement between the parties hereto or their assigns or successors-in-interest, which shall be filed in the public records in Hillsborough County.
20. Controlling Law. The interpretation and performance of this conservation easement shall be governed by the laws of the State of Florida.
21. Release of Encumbrance on Conservation Area E3. Grantee acknowledges and affirms that the purpose of this Deed of Conservation Easement is to encumber the Property described in Exhibit "A", and in exchange, to release the easement interest held by EPC over and upon the land described as Conservation Area E3 in the TBW Project Easement. Accordingly, EPC hereby releases, remises, and quit claims unto Grantor any and all interest held by EPC over and upon Conservation Area E3, as described on pages 1713 and 1714 of that certain Deed of Conservation Easement recorded at Official Record Book 14439, Pages 1700-1726 of the Official Public Records of Hillsborough County, Florida; provided, however, that as to all other conservation areas described therein, said Deed of Conservation Easement shall not be modified or released hereby, but shall remain in full force and effect.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purpose imposed with this conservation easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with said Grantee that Grantor has good right and lawful authority to convey this conservation easement.

IN WITNESS WHEREOF, the Grantor has executed this Deed of Conservation Easement on the day and year first above written.

ATTEST:

PAT FRANK
CLERK OF THE CIRCUIT COURT

"GRANTOR"

HILLSBOROUGH COUNTY,
a Political Subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
CHAIRMAN

APPROVED AS TO FROM
AND LEGAL SUFFICIENCY

By: _____
Susan J. Fernandez
Chief Assistant County Attorney

BOCC Document No.: _____

"EPC" or "GRANTEE"

Witnesses:

Sign

Print Name

Sign

Print Name

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH
COUNTY

By: _____
CHAIRMAN

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____ as Chairman of the Environmental Protection Commission of Hillsborough County. He is personally known to me or has produced _____ as identification.

Notary Public, State of Florida

Name of Notary Printed, Stamped or Typed

Notary Seal:

G:\REAL ESTATE & DEVELOPMENT DIVISION\FERNANDEZ\SUSAN\PSOC CE EPC 1 21 2015 NS SJF CLEAN.DOC



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 19, 2015

Subject: EPC Affirmative Action Report

Agenda Section: Regular Agenda

Item: Executive Director Report

Recommendation: Informational Report only

Brief Summary: The Hillsborough County Civil Service Board develops, oversees, and administers a County Wide Affirmative Action Plan (Plan). The Plan's goal is to eliminate discrimination based on legally protected classes. The EPC has proactively been implementing provisions of the 2012-2017 Affirmative Action Plan. Staff will provide a summary of those actions.

Financial Impact: No Financial Impact

Background: The Hillsborough County Civil Service Board develops, oversees, and administers a County Wide Affirmative Action Plan (Plan). EPC has partnered with Civil Service for many years regarding the current Plan and past plans. On July 15, 2013, Dr. Garrity sent an acceptance letter to HC Affirmative Action Council stating EPC's commitment to the provisions of the 2012-2017 Affirmative Action Plan. EPC designated Michael McDaniel as the agency representative to the Affirmative Action Council. EPC Executive Director established an internal Affirmative Action Committee to assist Mr. McDaniel to implement the AA Plan. The Executive Director and the Committee have proactively taken actions analyze and enhance Affirmative Action goals at the EPC. The EPC has provided agency-wide mandatory training in harassment/discrimination and ethics. The EPC elevated awareness of Affirmative Action (AA) at the EPC by: 1) posting of the Agency's commitment to AA; 2) providing HC AA Plan on EPC's intranet; 3) posting of the Affirmative Action Council contact; and 4) posting of the Equal Employment Opportunity Law & EPC's EEO contact.

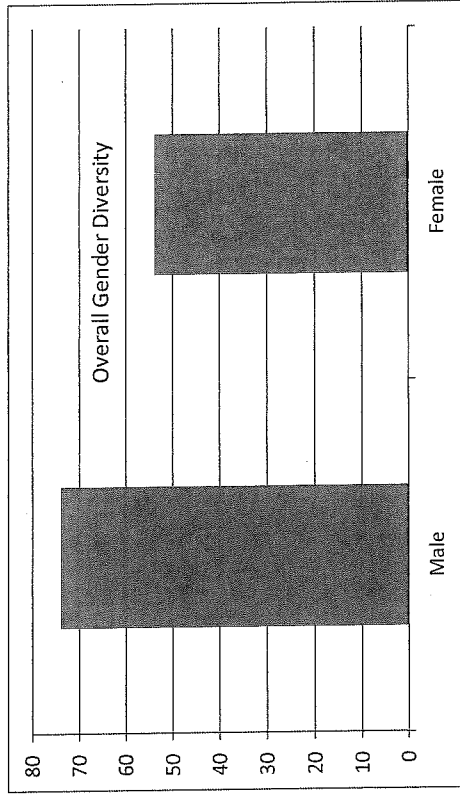
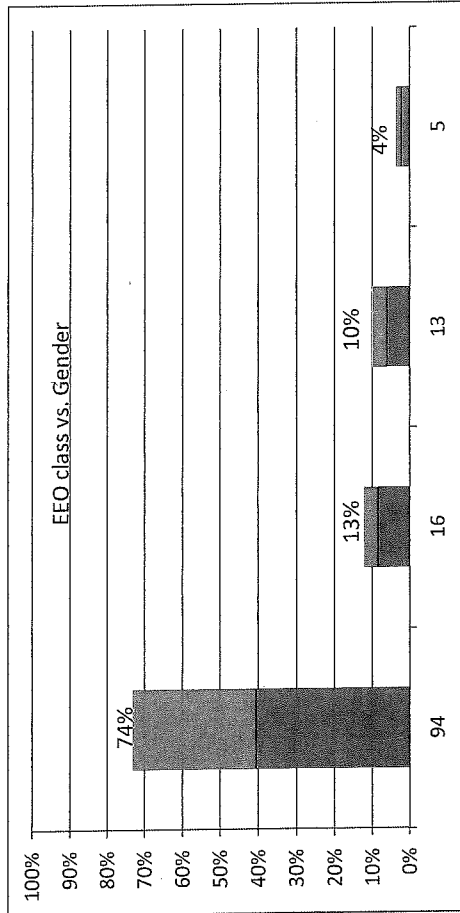
[See Attachment for EPC Diversity Data]

The Committee and the Executive Director continue to explore additional ways to enhance AA at the EPC, especially the areas of outreach to minorities and hiring, promotion, and training of employees.

EPC Diversity Data

EEO -Class Codes		W - White -94		H- Hispanic- 13		Male	
		B- Blacks -16	0.553	A- Other -5	33%	Female	74
White	94	73%	0.553	41%	33%		54
Black	16	13%	0.688	9%	4%		
Hispanic	13	10%	0.615	6%	4%		
Other	5	4%	0.600	2%	2%		

White
Black
Hispanic
Other





ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 19, 2015

Subject: 2015 Strategic Planning

Agenda Section: Regular Agenda

Item: Legal and Administrative Services Division

Recommendation: Recommend Board approve new Action Plans for 2015, 2015 Goals and the revised Mission, Vision and Values statement.

Brief Summary: At the December Board meeting, staff proposed new action plans for 2015 and sought input on the Agency planning process. The purpose of this agenda item is to request final approval to proceed on these individual action plans, as well as set 2015 goals and present the revised Mission, Vision and Values statement. It should be noted that the goals have been used in the past as part of the Executive Director's annual evaluation.

Financial Impact: No additional funds required at this time. Monies for the individual action plans will be paid out of the current budget or be requested as part of the fiscal year 16 & 17 budgets effective October 1, 2015.

Background: As part of the EPC's continuous improvement commitment, we set long term goals for each of the Agency's fifteen strategic objectives and measure our progress with some thirty plus metrics. In order to make progress towards achieving those goals, our planning process requires us to develop new initiatives or action plans to move the needle. This year staff is recommending five new action plans in addition to the dozen currently underway from previous years. Those five new ones are detailed on the attachment to this agenda item.

For the past several years the Executive Director has been proposing numeric goals covering the Agency's core functions of citizen support, permitting, compliance and enforcement. Those goals are tracked quarterly and reported to the Board. In the past they have also been used as a part of the Executive Director's annual evaluation.

Finally as part of the annual ten step planning process, staff again revisited the Mission, Vision and Values statement. After some discussion we made what we believe to be minor revisions. The statement has been shortened somewhat and is more inclusive.

Short Narrative
of
2015 Action Plans

Eco-Community Maps: Develop a user friendly GIS based map to display environmental information down to neighborhood scale, and post it on EPC's website. Estimated cost \$30,000.

Mercury in Fish: Study whether fish advisories can be rolled back given the reductions in airborne mercury emissions. Estimated cost \$5000.

Career Development: Focus on career development tracks for employees to include training options. Estimated cost \$5,000.

RPS Facelift: Have Green Team work with County Facilities to upgrade bathrooms and conference rooms, and institute sustainable practices. Estimated cost TBD.

ROI Culture Training: Train staff to understand economics in terms of return on investment for natural resource determinations as well as basic expenditures of public money. Estimated cost \$10,000.

2015 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2011	2012	2013	2014	2015 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	36 days	36 days	29 days	20 days	Less Than or Equal to 35 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	53 days	43 days	46 days	55 days	Less Than or Equal to 55 days
	Average Time EPC Permits were In-house	21 days	20 days	16 days	17 days	19 days	Less Than or Equal to 25 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	90%	91%	92%	93%	Greater Than or Equal to 90%
	Timely Initiation of Investigation	99% in 5 Days	99% in 5 Days	99% in 5 Days	99% in 5 Days	99% in 5 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	81%	76%	94%	96%	Greater Than or Equal to 90%

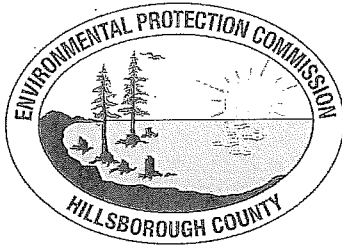
EPC'S 2015

Mission, Vision and Values Statement

**Mission: To protect the natural resources, environment, and quality of life
in Hillsborough County.**

Vision: Environmental excellence in a changing world.

Values: Environmental stewardship, fairness, and cooperation.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 19, 2015

Subject: Recruitment of EPC's Executive Environmental Director

Agenda Section: Regular Agenda

Item: Executive Director Report

Recommendation: Board approval of job announcement, project schedule and responsibilities document, and Local Selection Committee members.

Brief Summary: At the December meeting, the Board directed staff to come back with a job announcement for the Executive Director's position and three names for each of the four stakeholder categories to be represented on the Local Selection Committee. They also requested that Civil Service staff be used to assist with the recruitment in lieu of using an outside consultant. EPC staff is prepared to present the job announcement and the names of possible committee members for Board approval, along with a project schedule and responsibilities document. The Executive Director has met with Civil Service staff to coordinate the recruitment process and they will be in attendance as well to assist in answering any questions.

Financial Impact: Incidental costs incurred during the recruitment process could be up to \$5,000. Costs will be mainly associated with transportation, room and board for finalists. Staff will attempt to fund this out of the Agency's current budget, but may come back the Board for assistance at year's end.

Background: Dr. Garrity has announced that he will be retiring at the conclusion of his current contract which runs through June 30, 2015. This precipitated the discussions in December in front of the Board regarding the process to find his replacement. Staff made a presentation and was given clear direction for an open and transparent recruitment process.

At the February meeting, staff will follow up by bringing back a job announcement, a project schedule and responsibilities document, and a list of possible candidates to serve on the Local Selection Committee. The job announcement, the project schedule and responsibilities document and the list of possible candidates for the Local Selection Committee are all included in this agenda backup package. All this has been prepared in conjunction with Civil Service staff.

It should be noted that the project schedule includes one or more Special EPC meetings. The first would be called on May sixth to approve the finalists and the second in early June would be to approve the new Executive Director's contract. Dates would be selected where the Board was already scheduled to be in session.

List of Attachments: Executive Environmental Director's Job Announcement, Project Schedule and Responsibilities document and a suggested list of candidates to serve on the Local Selection Committee.

Environmental Protection Commission of Hillsborough County Employment Opportunity

Executive Environmental Director

The Environmental Protection Commission of Hillsborough County (EPC), a local governmental agency created by special act of the Florida Legislature, is seeking a highly qualified professional to serve as its Executive Director beginning July 1, 2015. Under its enabling legislation, the EPC “provide(s) and maintain(s) for the citizens and visitors of said county, standards which will insure the purity of all waters and soils consistent with public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game and fish and other aquatic life, atmospheric purity and freedom of the air from contaminants or synergistic agents injurious to human, plant or animal life, and freedom from excessive and unnecessary interferes with the comfortable enjoyment of life or property or the conduct of business.”

The Executive Environmental Director serves at the pleasure of the Commission, and is responsible for implementing and enforcing the provisions of the special act, including local, state and federal environmental regulations, and the provisions of various contracts and grants. The position requires someone who is creative, has strong intellectual capability and critical reasoning skills and who is articulate and persuasive in public forums.

Minimum qualifications include a Bachelor’s Degree from an accredited university, with a basic understanding of the meteorological, physical, mechanical, chemical, biological, ecological and environmental sciences and sufficient experience in the administration, organizational development, personnel management, and administration of environmental regulatory programs to discharge the duties detailed in the Agency’s enabling legislation. Hillsborough County offers management employees excellent compensation and benefits, including medical and life insurance, and deferred compensation. Starting salary range is between \$155,000 and \$180,000 depending on the candidates qualifications. To learn more about Hillsborough County and EPC, see the attached job narrative and visit EPC’s website at www.epchc.org. The position is open until filled. Please send a Letter of Interest and a resume by March 20, 2015 to:

Mr. Kurt Wilkening
c/o Hillsborough County Civil Service
P.O. Box 1110
Tampa, FL 33602
wilkeningk@hillsboroughcounty.org

February 2015

**Job Narrative for the Position of
Executive Director
Environmental Protection Commission of Hillsborough County**

Job Summary:

Manages and directs a county-wide environmental regulatory agency pursuant to Special Act of the Florida Legislature to:

“...provide and maintain for the citizens and visitors of (Hillsborough) county standards which will insure the purity of all waters and soils consistent with the public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game, fish, and other aquatic life, atmospheric purity and freedom of the air from contaminants or synergistic agents injurious to human, plant, or animal life, and freedom from excessive and unnecessary noise which unreasonably interferes with the conformable enjoyment of life or property or the conduct of business.”

Section 2, Ch. 84-446 Laws of Florida (the Act)

Administrative programs are divided between five divisions: Water Management Division, Waste Management Division, Wetlands Management Division, Air Management Division and Legal and Administrative Services; and operate pursuant to locally adopted Rules, and Grants, Contracts and Delegation Agreements with the Florida Department of Environmental Protection and the US Environmental Protection Agency, among others. The Executive Director is subject to the supervision of the Commission and serves at its pleasure.

Essential Functions:

- Protect the natural resources of Hillsborough County by directing permit and compliance programs for air, noise, water, waste and wetlands as prescribed by the Act.
- Establish, operate and maintain a continuous program for monitoring air and water pollution by means of countywide air and water quality surveillance networks designed to provide accurate data and information as to whether the level of air and water pollution is increasing or decreasing throughout Hillsborough County.
- Report on environmental quality of air, water, wetland and soils annually to the Board and in a free standing report.
- Serve a diverse customer group ranging from citizens seeking investigation of environmental complaints to entities seeking permits/authorizations to impact the air, water or soils of the County; and do so in a culture of fairness and cooperation.
- Forward efforts to ensure continuing recovery of Tampa Bay by partnering with its many stakeholders.
- Cooperate with appropriate public agencies and work with the Florida Department of Environmental Protection, the Southwest Florida Water Management District, Hillsborough County government, the municipalities of Tampa, Plant City and Temple Terrace, the US Environmental Protection Agency, other appropriate agencies and groups interested in the field of air, water, soils and noise pollution, and to maintain and enforce environmental standards.
- Investigate complaints, study and observe the air, soils, water and noise pollution conditions, and recommend actions necessary to abate nuisances caused by air, soils, water and noise pollution, and prosecute violations of the Act.
- Issue environmental advisories and enforcement citations as necessary.
- Oversee a professional staff of 130 plus employees and an annual budget of over ten million dollars; and enter contracts and grants with other agencies.

- Promote environmental stewardship and sustainability throughout the community by reaching out to citizens, civic associations, businesses and public officials.
- Enforce the provisions of the Act and the rules through administrative, civil or criminal proceedings as appropriate.
- Serve as technical advisor to the Board and set EPC Board meetings in coordination with the Chair.
- Propose rules for Board approval as needed.
- Direct strategic planning and develop a plan annually to continuously improve the Agency's services and to ensure progress towards its long range goals.

Minimum Qualifying Education and Experience:

A bachelor's degree from an accredited university with a basic understanding of meteorology, physical, mechanical, chemical, biological and ecological and environmental sciences.

Preferred Education, Experience and Characteristics

A combination of an advanced degree and several years of senior level management experience with a large professional staff.

Ability to conceptualize, prepare and implement programs and activities to assess and improve environmental protection.

Ability to communicate effectively, both verbally and in writing, with scientist, citizens and policy makers; ability to make clear and persuasive public presentations; ability to build public alliances with key partners.

Working knowledge of governmental structures, relationships, functions, and procedures mandated by law.

Knowledge of financial management techniques sufficient to oversee a budget of over ten million dollars of public monies.

Experience sufficient to discharge the duties in the Act and as described above.

**ENVIRONMENTAL PROTECTION COMMISSION
HILLSBOROUGH COUNTY**

2015 EXECUTIVE SEARCH PROJECT

**PROJECT ROLES & RESPONSIBILITIES
AND
PROPOSED DELIVERABLES & TIMELINE**

This Executive Search Project is expected to culminate in a new, highly qualified and motivated Executive Director for the Environmental Protection Commission of Hillsborough County. This document details project roles and responsibilities.

Project Roles and High Level Project Responsibilities

- a) EPC Executive Director and staff: Draft a job announcement, project schedule and responsibilities document and a list of possible candidates to serve on the Local Selection Committee all for Board approval. Assist the Local Selection Committee as requested.
- b) Civil Service Staff: Work with EPC staff on preparation of job announcement and project schedule and responsibilities document. Advertise for candidates using the Board approved job announcement, collect letters of interest and resumes, check that candidates do indeed have at least a bachelor's degree from an accredited university, and prepare a qualifications matrix for all qualified candidates. The latter may require a brief telephone contact to obtain information for the purpose of completing the matrix. Assist the Local Selection Committee as requested.
- c) Local Selection Committee (Designated Board members and stakeholder representatives): Review all qualified candidates and identify a "short list" of the most qualified candidates for consideration by the full EPC Board.
- d) Full EPC: Approves job announcement, project roles, project schedule, Local Selection Committee and finalist list. Interviews finalists and selects one preferred candidate to whom the job will be conditionally offered. Approves final employment agreement.
- e) EPC Designated Counsel: Represents the legal interests of the EPC in all aspects of the project with particular focus on public records/sunshine meeting compliance.
- f) County Attorney's Office: Assist EPC Chair in negotiating an employment contract with preferred candidate, using the same format agreed too for recent executive hires.

Executive Search Deliverables & Timeline

	Deliverable	Anticipated Delivery Date
1.	EPC Board adoption of recruitment process and stakeholder categories.	Dec. 2014
2.	EPC Board approves: job announcement, project schedule and responsibilities document, and composition of Local Selection Committee including Board members and stakeholder members.	Feb 2015
3.	Civil Service staff conducts advertising and collects resumes. Concurrently they will verify that candidates have a bachelor's degree from an accredited university and prepare a qualifications matrix for all qualified candidates.	March, 2015
4.	Local Selection Committee reviews all resumes and qualifications matrix, and selects a number of candidates for first round of telephone or internet video interviews. Eventually they will recommend a list of finalists for the full Board's approval. Local Selection Committee will be assisted administratively by Civil Service staff and/or EPC staff as needed.	April 2015
5.	Local Selection Committee presents slate of finalists for full EPC Board consideration and approval at special meeting to be held May 6 th .	May 2015
6.	Commission members will have the option to conduct one on one interviews with each finalist and the full EPC Board will hold a final public interview at the May 21 Board meeting. EPC Board will select preferred candidate. EPC Board will be assisted administratively by Civil Service staff and/or EPC staff as needed.	May 2015
7.	EPC Chair, with the assistance of County Attorney's Office, will negotiate contract with preferred candidate and final approval of contract occurs at special EPC meeting in early June or at June 18 EPC Board meeting. New Executive Director begins July 1, 2015.	June 2015

Suggested List of Candidates for Local Selection Committee
for
EPC's Executive Director

All candidates have indicated a willingness to serve.

Business/Agriculture Community

- Dennis Carlton, Agriculture/Cattle/Business and Member of EPC Business Feedback Group
- Steve Gran, Agriculture – Extension Service Director
- Dave Jellerson, Assistant Vice President, Environment, Mosaic

Development Community

- Harry Lerner, President, Lerner Real Estate Advisors and Member of EPC Business Feedback Group
- Janet Dougherty, President, Sage Eco Solutions, Member of EPC Business Feedback Group and EPC Citizens Environmental Advisory Committee
- Jamie Scarola, President, Scarola Associates Engineering, Managing Partner Tampa Bay Mitigation Bank and Member of EPC Business Feedback Group

Environmental Community

- Pat Kemp, Executive Committee, Sierra Club, Tampa Bay Group and Member of EPC Environmental Feedback Group
- Tom Aderhold, President, Keystone Civic Association
- Ann Paul, Tampa Bay Area Regional Coordinator, Florida Audubon Member of EPC Environmental Feedback Group

Bay Management

- Jan Platt, Member Agency on Bay Management (former member of Executive Steering Committee), former Member and Chair of both EPC and BOCC
- Holly Greening, Executive Director, Tampa Bay Estuary Program
- Wendy Griffin, Governing Board Member, SWFWMD, Member Policy Board of Tampa Bay Estuary Program

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