

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
APRIL 16, 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

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- F. Quarterly Update for EPC's 2015 Goals39
- G. Cooperative Agreement between the Environmental Protection Commission and Hillsborough County for Bahia Beach Project Mangrove Enhancement41

IV. ACKNOWLEDGING THE STUDENT RECIPIENT OF EPC's ENVIRONMENTAL MERIT AWARD AT THE 35TH ANNUAL HILLSBOROUGH REGIONAL SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS FAIR47

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- B. Request to Hold a Public Hearing on May 21, 2015 to Approve Amendments to the EPC Wetland Rule, Ch. 1-11, Rules of the EPC for Purposes of Seeking Delegation for DEP Formal Determinations of Wetlands and Other Surface Waters51

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X. EXECUTIVE DIRECTOR REPORT

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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FEBRUARY 19, 2015 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, February 19, 2015, 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 (arrived at 9:07 a.m.), Ken Hagan, Al Higginbotham, Sandra Murman, and Stacy White (arrived at 9:06 a.m.).

▶ Chairman Miller called the meeting to order at 9:05 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 Crist had not arrived.)

I. PUBLIC COMMENT

▶ Ms. Janet Dougherty, 607 Butch Cassidy Trail, announced her resignation from the Citizens Environmental Advisory Committee (CEAC) and withdrew her name from consideration for the EPC Executive Director selection committee. Comments followed.

II. CEAC

Summary of recent CEAC meeting by CEAC Chairman

▶ Dr. Garrity shared current CEAC activities.

III. CONSENT AGENDA

- A. Approval of Meeting Minutes: December 18, 2014
- B. Monthly Activity Reports - December 2014 and January 2015
- C. Pollution Recovery Fund Reports - October 2014 and January 2015
- D. Monthly Legal Case Summaries - January and February 2015

▶ Chairman Miller sought a motion to approve the Consent Agenda. **Commissioner Murman so moved, seconded by Commissioner Beckner, and carried seven to zero.**

IV. WASTE MANAGEMENT DIVISION

A. Update Regarding Exide Technologies Incorporated Brownfields Redevelopment Area

▶ Mr. Hooshang Boostani, Director, EPC Waste Management Division, delivered the update, as shown in background material.

B. Petroleum Restoration Program Annual Budget

▶ Mr. Boostani distributed information and referred to background material. Upon clarifying the EPC recommendation, Chairman Miller asked for a motion. ▶ **Commissioner Murman moved approval, seconded by Commissioner Crist, and carried seven to zero.**

V. WETLANDS MANAGEMENT DIVISION

A. Report on the Interactions and Coordination between the EPC, Hillsborough County Economic Development, and the Jan K. Platt Environmental Lands Acquisition and Protection Program (ELAPP)

▶ Mr. Michael Thompson, EPC, touched on background material. ▶ Commissioner Murman inquired about the content/effectiveness of the memorandum of understanding. Comments followed. ▶ Dr. Scott Emery, Director, EPC Wetlands Management Division, provided an update on coordinating efforts with the ELAPP committee.

VI. AIR MANAGEMENT DIVISION

Air Quality Update on Ozone Readings in the County

▶ Mr. Jerry Campbell, Director, EPC Air Management Division, elaborated on background material.

VII. LEGAL AND ADMINISTRATIVE SERVICES DIVISION

A. Legislative Update

▶ EPC General Counsel Richard Tschantz delivered the update, as shown in background material, and ▶ responded to queries on regulatory authority, spring protection funds, septic tank issues, and workgroups.

B. Request for Commission Authorization to Allow the Executive Director to Modify or Release Conservation Easements

▶ Attorney Tschantz touched on background material and sought a motion from the EPC Board to recommend that staff allow the EPC Executive Director the authority to modify the conservation easement to go forward on the site. ▶ **Commissioner Murman so moved, seconded by Commissioner Crist, and carried seven to zero.**

▶ Following remarks, Attorney Tschantz requested the EPC Board authorize the EPC Executive Director the authority to modify or release conservation easements on the occasions they arose. ▶ **Commissioner Murman moved to approve, seconded by Commissioner Beckner.** After comments on request frequency and action authority, ▶ **the motion carried seven to zero.**

VIII. EXECUTIVE DIRECTOR REPORT

A. Affirmative Action Report

▶ Dr. Garrity deferred to Mr. Michael McDaniel, EPC, who elaborated on background material. ▶ Chairman Miller stressed commitment to the project.

B. 2015 Strategic Planning

▶ Mr. Campbell spoke on background material. ▶ Chairman Miller asked for a motion to approve staff recommendation. **Commissioner Crist so moved, seconded by Commissioner Beckner, and carried six to zero.** (Commissioner Hagan was out of the room.)

C. Report on Climate Adaption Workshop

▶ Dr. Garrity referred to background material.

D. Recruitment of EPC Executive Director

▶ Dr. Garrity expounded on the item and responded to Commissioner Higginbotham on selection committee candidate (candidate) diversity. In answer to Commissioner Beckner, Mr. Dane Petersen, Civil Service Office (CSO) Director, touched on the EPC Executive Director recruitment process. Commissioner Beckner favored a nationwide search. ▶ Citing diversity/community representation concerns, Commissioner Higginbotham asked about kicking the item back. Discussion ensued on the recruitment time frame, selection committee recommendation/process decisions, and candidate qualifications/selection options. Unwilling to support a motion that did not reflect community diversity, ▶ Commissioner Higginbotham moved the EPC Board not take action on that today. (The motion was subsequently withdrawn). After remarks, Commissioner Higginbotham withdrew the motion to hear further input.

▶ Noting the lack of business community/County/city of Tampa (Tampa) representatives, Commissioner Murman suggested including representatives from Economic Development and County/Tampa Development Services as candidates. Commissioner Beckner wanted to learn more about other potential candidates. Upon remarks, ▶ Commissioner Crist moved the EPC Board move forward with the recommended plan, the EPC Board select not one but two from each of those categories, and the EPC Board add a category for Tampa and County Development Services and give Mayor Bob Buckhorn and County Administrator Mike Merrill the appointment ability to assign someone from each of those departments, seconded by Commissioner Murman for discussion. (The second was subsequently withdrawn.)

▶ Repeating the need to include a development community member, Commissioner Murman requested a representative from Tampa Bay Builders Association Incorporated (TBBA) be added to the list. Commissioner Crist included to make that a category and allow TBBA to appoint someone from the organization. Believing it would send a negative message to the community, Commissioner Higginbotham would not support the motion. Following motion clarification, Chairman Miller recommended approving the job announcement narrative/recruitment schedule, working with Dr. Garrity on categories/candidates, and holding a special EPC meeting after the March 2015 Board of County Commissioners (BOCC) regular meeting to select those categories of people.

THURSDAY, FEBRUARY 19, 2015 - DRAFT MINUTES

Subsequent to dialogue, ► Commissioner Crist restated the motion. Commissioner Higginbotham asked about including the cities of Plant City and Temple Terrace. Opining there were too many suggestions, Commissioner Murman withdrew her second and wanted Chairman Miller to pass the gavel and make a new motion. After talks, ► Commissioner Higginbotham moved to reconvene the EPC Board to consider the selection of the selection committee on March 4, 2015, in a special meeting at the BOCC meeting and the EPC Board instruct the Executive Director and his staff to submit selections or applicants for the EPC Board that reflected diversity and the other comments that had been made. (The motion died for lack of a second.)

Commissioner Hagan advised providing Dr. Garrity with as much direction as possible and requested Mr. Hugh Gramling as a business/agricultural community candidate. Upon passing the gavel to Vice Chairman Crist, ► Chairman Miller moved today the EPC Board vote to accept the job announcement/narrative to begin the recruitment and the recruitment schedule; the recruitment schedule and task responsibilities be approved today; the EPC Board also select the commission members to serve on the search committee, and those commission members meet with Dr. Garrity and his staff to identify the categories and recommendation of names that would include the diversity of those categories; and lastly, the EPC Board have a special EPC meeting at the conclusion of the March 4, 2015, BOCC meeting, seconded by Commissioner Beckner, and carried seven to zero.

► Chairman Miller sought recommendations for EPC Board members to serve on the search committee. ► Commissioner Crist respectfully nominated Chairman Miller and Commissioner Beckner. After Commissioner Higginbotham expressed a desire to serve, ► Commissioner Crist changed the nomination to also include Commissioner Higginbotham. Following discussion, ► Commissioner Murman seconded the motion, which carried seven to zero. Talks ensued on scheduling a meeting between Dr. Garrity and the three EPC Board members. Attorney Rick Muratti, EPC Legal Department, asked about selecting a search committee chairman from the EPC Board members. ► Commissioner Crist nominated Commissioner Higginbotham. Subsequent to dialogue, ► Commissioner Crist moved that Commissioner Higginbotham serve as chairman of the search committee, seconded by Commissioner Murman, and carried seven to zero.

THURSDAY, FEBRUARY 19, 2015 - DRAFT MINUTES

▶ There being no further business, the meeting was adjourned at 10:50 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

jh

DRAFT

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

		<u>FEB</u>	<u>MAR</u>
A. Public Outreach/Education Assistance			
1	Phone calls	125	165
2	Literature Distributed	2	1
3	Presentations	4	5
4	Media Contacts	1	2
5	Internet	37	34
6	Host/Sponsor Workshops, Meetings, Special Events		
B. Industrial Air Pollution Permitting			
1	Permit Applications received (Counted by Number of Fees Received)		
	a. Operating	7	5
	b. Construction	4	7
	c. Amendments / Transfers / Extensions	2	1
	d. Title V Operating:	5	17
	e. Permit Determinations	1	2
	f. General	2	7
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	5	8
	b. Construction ¹	8	3
	c. Amendments / Transfers / Extensions ¹	1	2
	d. Title V Operating ²	17	2
	e. Permit Determinations ²	0	1
	f. General	1	3
3	Intent to Deny Permit Issued	0	0
C. Administrative Enforcement			
1	New cases received	3	0
2	On-going administrative cases		
	a. Pending	4	2
	b. Active	4	4
	c. Legal	0	0
	d. Tracking compliance (Administrative)	7	7
	e. Inactive/Referred cases	0	0
	TOTAL	15	13
3	NOIs issued	1	0
4	Citations issued	0	0
5	Consent Orders Signed	1	1
6	Contributions to the Pollution Recovery Fund	\$0.00	\$8,600.00
7	Cases Closed	1	1
D. Inspections			
1	Industrial Facilities	3	15
2	Air Toxics Facilities		

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

	<u>FEB</u>	<u>MAR</u>
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0	0
b. Major Sources	1	7
3 Asbestos Demolition/Renovation Projects	17	25
E. Open Burning Permits Issued	3	4
F. Number of Division of Forestry Permits Monitored	207	254
G. Total Citizen Complaints Received	49	46
H. Total Citizen Complaints Closed	1	4
I. Noise Complaints Received by EPC (Chapter 1-10)	20	24
J. Noise Complaints Received by Sheriff's Office (County Ord. #12-12)	292	336
K. Number of cases EPC is aware that both EPC & Sheriff responded	6	4
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:	1	5
N. Air Program's Input to Development Regional Impacts:	1	1
O. Test Reports Reviewed:	60	65
P. Compliance:		
1 Warning Notices Issued	6	10
2 Warning Notices Resolved	3	2
3 Advisory Letters Issued	3	2
Q. AOR'S Reviewed	0	0
R. Permits Reviewed for NESHAP Applicability	2	6
S. Planning Documents coordinated for Agency Review	2	6

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

FEB MAR

A. ENFORCEMENT

1.	New cases received	-	
2.	On-going administrative cases	44	44
	Pending	1	1
	Active	16	16
	Legal	3	3
	Tracking Compliance (Administrative)	23	23
	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	2	-

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	0	5
	County Permits Reviewed	2	5
	Reports Received (SW/HW + SQG)	23	15
	Reports Reviewed (SW/HW + SQG)	26	20
5.	Inspections (Total)		
	Complaints (SW/HW + SQG)	13	8
	Compliance/Reinspections (SW/HW + SQG)	4	15
	Facility Compliance	22	25
	Small Quantity Generator Verifications	146	148
	P2 Audits	0	0
6.	Enforcement (SW/HW + SQG)		
	Complaints Received	13	8
	Complaints Closed	10	6
	Warning Notices Issued	1	2
	Warning Notices Closed	0	2
	Compliance Letters	112	155
	Letters of Agreement	0	0
	Agency Referrals	4	4
7.	Pamphlets, Rules and Material Distributed	150	187

C. STORAGE TANK COMPLIANCE

1.	Inspections		
	Compliance	64	60
	Installation	3	8
	Closure	6	12
	Compliance Re-Inspections	4	3
2.	Installation Plans Received	4	8

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

		<u>FEB</u>	<u>MAR</u>
3.	Installation Plans Reviewed	2	3
4.	Closure Plans & Reports		
	Closure Plans Received	6	3
	Closure Plans Reviewed	4	2
	Closure Reports Received	1	-
	Closure Reports Reviewed	-	-
5.	Enforcement		
	Non-Compliance Letters Issued	38	40
	Warning Notices Issued	-	-
	Warning Notices Closed	-	-
	Cases Referred to Enforcement	-	-
	Complaints Received	-	-
	Complaints Investigated	-	-
	Complaints Referred	-	-
6.	Discharge Reporting Forms Received	2	-
7.	Incident Notification Forms Received	2	4
8.	Cleanup Notification Letters Issued	-	-

D. STORAGE TANK CLEANUP

1.	Inspections	39	29
2.	Reports Received	66	61
3.	Reports Reviewed	51	60
	Site Assessment Received	6	4
	Site Assessment Reviewed	7	3
	Source Removal Received	1	1
	Source Removal Reviewed	1	1
	Remedial Action Plans (RAP'S) Received	1	-
	Remedial Action Plans (RAP'S) Reviewed	-	-
	Site Rehabilitation Completion Order/No Further Action Rec'	-	1
	Site Rehabilitation Completion Order/No Further Action Rev	1	-
	Active Remediation/Monitoring Received	10	23
	Active Remediation/Monitoring Reviewed	12	27
	Others Received	48	32
	Others Reviewed	30	29

E. RECORD REVIEWS

29	34
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F. LEGAL PIR'S

16	21
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**FY 15 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

		<u>FEB</u>	<u>MAR</u>
A. ENFORCEMENT			
1.	New Enforcement Cases Received	-	1
2.	Enforcement Cases Closed	-	-
3.	Enforcement Cases Outstanding	14	14
4.	Enforcement Documents Issued	1	1
5.	Recovered Costs to the General Fund	\$ -	\$ 525
6.	Contributions to the Pollution Recovery Fund	\$ 1,906	\$ 4,906
B. PERMITTING/PROJECT REVIEW - DOMESTIC			
1.	Permit Applications Received	24	21
	a. Facility Permit	4	4
	(i) Types I and II	-	2
	(ii) Type III	4	2
	b. Collection Systems - General	8	8
	c. Collection systems-Dry Line/Wet Line	12	9
	d. Residuals Disposal	-	-
2.	Permit Applications Approved	33	30
	a. Facility Permit	6	2
	b. Collection Systems - General	2	4
	c. Collection systems-Dry Line/Wet Line	11	14
	d. Residuals Disposal	-	-
	e. Final Construction Approval	14	10
3.	Permit Applications Recommended for Disapproval	-	-
	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	25	26
	a. Facility Permit	6	8
	b. Collection Systems - General	8	12
	c. Collection systems-Dry Line/Wet Line	11	6
	d. Residuals Disposal	-	-
7.	Permit Determination	3	3
8.	Special Project Reviews	-	-

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

		<u>FEB</u>	<u>MAR</u>
	a. Reuse	-	-
	b. Residuals/AUPs	-	-
	c. Others	1	-
C. INSPECTIONS - DOMESTIC			
1.	Compliance Evaluation	2	9
	a. Inspection (CEI)	-	4
	b. Sampling Inspection (CSI)	2	5
	c. Toxics Sampling Inspection (XSI)	-	-
	d. Performance Audit Inspection (PAI)	-	-
2.	Reconnaissance	39	39
	a. Inspection (RI)	5	5
	b. Sample Inspection (SRI)	-	1
	c. Complaint Inspection (CRI)	34	33
	d. Enforcement Inspection (ERI)		
3.	Engineering Inspections	23	14
	a. Reconnaissance Inspection (RI)	1	3
	b. Sample Reconnaissance Inspection (SRI)	-	-
	c. Residual Site Inspection (RSI)	-	-
	d. Preconstruction Inspection (PCI)	-	
	e. Post Construction Inspection (XCI)	22	11
	f. On-site Engineering Evaluation	-	-
	g. Enforcement Reconnaissance Inspection (ERI)	-	-
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL			
1.	Permit Applications Received	2	-
	a. Facility Permit	2	-
	(i) Types I and II	1	-
	(ii) Type III with Groundwater Monitoring	-	-
	(iii) Type III w/o Groundwater Monitoring	1	-
	b. General Permit	-	-
	c. Preliminary Design Report	-	-
	(i) Types I and II	-	-
	(ii) Type III with Groundwater Monitoring	-	-
	(iii) Type III w/o Groundwater Monitoring	-	-
2.	Permits Recommended to DEP for Approval	-	-
3.	Special Project Reviews	1	1
	a. Facility Permit	1	1
	b. General Permit	-	-
4.	Permitting Determination	1	-
5.	Special Project Reviews	26	28

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

		<u>FEB</u>	<u>MAR</u>
	a. Phosphate	2	2
	b. Industrial Wastewater	10	9
	c. Others	14	17
E. INSPECTIONS - INDUSTRIAL			
1.	Compliance Evaluation (Total)	4	6
	a. Inspection (CEI)	4	5
	b. Sampling Inspection (CSI)	-	1
	c. Toxics Sampling Inspection (XSI)	-	
	d. Performance Audit Inspection (PAI)	-	
2.	Reconnaissance (Total)	24	17
	a. Inspection (RI)	4	2
	b. Sample Inspection (SRI)	-	1
	c. Complaint Inspection (CRI)	20	14
	d. Enforcement Inspection (ERI)		
3.	Engineering Inspections (Total)	5	9
	a. Compliance Evaluation (CEI)	5	9
	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	38	35
	(i) Received	25	18
	(ii) Closed	13	17
	b. Industrial	24	13
	(i) Received	17	9
	(ii) Closed	7	4
2.	Warning Notices		
	a. Domestic	2	1
	(i) Issued	2	1
	(ii) Closed	-	-
	b. Industrial	2	4
	(i) Issued	1	2
	(ii) Closed	1	2
3.	Non-Compliance Advisory Letters	6	7
4.	Environmental Compliance Reviews	47	70
5.	Special Project Reviews	17	22
G. RECORD REVIEWS			

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

		<u>FEB</u>	<u>MAR</u>
1.	Permitting Determination	4	3
2.	Enforcement	-	-
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED (LAB)			
1.	Air division	52	41
2.	Waste Division	-	-
3.	Water Division	11	16
4.	Wetlands Division	-	-
5.	ERM Division	180	207
6.	Biomonitoring Reports	4	-
7.	Outside Agency	16	15
I. SPECIAL PROJECT REVIEWS			
1.	DRIs	2	-
2.	ARs	-	-
3.	Technical Support	1	1
4.	Other	2	6

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

FEB MAR

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	82	72
Timeframes Met	99%	99%
Year to Date	98%	98%

Formal Wetland Delineation Surveys

Projects	9	7
Total Acres		219
Total Wetland Acres	37	33
# Isolated Wetlands < 1/2 Acre	4	5
Isolated Wetland Acreage	1.46	1.37

Construction Plans Approved

Projects	11	20
Total Wetland Acres	131	19
#Isolated Wetlands < 1/2 Acre	5	4
Isolated Wetland Acreage	0.93	0.6
Impacts Approved Acreage	4.4	2.18
Impacts Exempt Acreage	1.09	0

Mitigation Sites in Compliance

Ratio	7/8	15
Percentage	88%	100%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.70	0.70
Acreage of Water Quality Impacts	0.00	0.00
Acreage Restored	0.70	0.70

TPA Minor Work Permit

Permit Issued	19	27
Permits Issued Fiscal Year 2014	135	162
Cumulative Permits Issue Since TPA Delegation (07/09)	1,212	1,239

REVIEW TIMES

# of Reviews	320	367
% On Time	98%	98%
% Late	2%	2%

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

FEB MAR

A. General

1.	Telephone conferences	672	607
2.	Unscheduled Citizen Assistance	374	340
3.	Scheduled Meetings	360	307
4.	Correspondence	2,213	2,624
1/ 5.	Intergency Coordination	92	78
1/ 6.	Trainings	32	42
1/ 7.	Public Outreach/Education	-	2
1/ 8.	Quality Control	54	10

B. Assessment Reviews

1.	Wetland Delineations	21	26
2.	Surveys	10	15
3.	Miscellaneous Activities in Wetland	18	24
4.	Mangrove	4	6
5.	Notice of Exemption	6	3
6.	Impact/Mitigation Proposal	4	11
7.	Tampa Port Authority Reviews	89	77
8.	Wastewater Treatment Plants (FDEP)	-	-
9.	Development Regn'l Impact (DRI) Annual Report	-	-
10	On-Site Visits	127	127
11	Phosphate Mining	-	-
12	Comp Plan Amendment (CPA)	-	-
1/ 13	AG SWM	5	3
	Sub-Total		

Planning and Growth Management Review

14	Land Alteration/Landscaping	1	1
15	Land Excavation	-	-
16	Rezoning Reviews	8	9
17	Site Development	23	22
18	Subdivision	44	38
19	Wetland Setback Encroachment	2	2
20	Easement/Access-Vacating	-	-
21	Pre-Applications	55	62
1/ 22	Agriculture Exemption	1	-
	Sub-Total		
	Total Assessment Review Activities		

C. Investigation and Compliance

1.	Warning Notices Issued	7	6
2.	Warning Notices Closed	8	4
1/ 3.	Complaints Closed	37	39
4.	Complaint Inspections	39	45
5.	Return Compliance Inspections for Open Cases	39	32

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

	<u>FEB</u>	<u>MAR</u>
6. Mitigation Monitoring Reports	4	20
7. Mitigation Compliance Inspections	16	8
8. Erosion Control Inspections	1	8
9. MAIW Compliance Site Inspections	10	5
10 TPA Compliance Site Inspections	25	17
2/ # Mangrove Compliance Site Inspections	-	-
1/ # Conservation Easement Inspection	3	7

D. Enforcement

1. Active Cases	11	10
2. Legal Cases	2	2
3. Number of "Notice of Intent to Initiate Enforcement"	4	3
4. Number of Citations Issued	-	-
5. Number of Consent Orders Signed	3	4
6. Administrative - Civil Cases Closed	1	3
7. Cases Referred to Legal Department	2	2
8. Contributions to Pollution Recovery	\$ 200	\$ 1,500
9. Enforcement Costs Collected	\$ 698	\$ 459

E. Ombudsman

1. Agriculture	-	1
2. Permitting Process & Rule Assistance	4	1
3. Staff Assistance	-	1
4. Citizen Assistance	9	2

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 15 POLLUTION RECOVERY FUND
10/1/2014 through 3/31/2015**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 537,486	Artificial Reef	\$ 24,632	Minimum Balance	\$ 120,000	
Interest	\$ 2,129	Open Projects	\$ 284,333	Proj. FY 16 Budgets	\$ 24,632	
Deposits	\$ 131,953			Asbestos Removal	\$ 5,000	
Fund 10132 Balance	\$ 210,964					
Total	\$ 882,533	Total	\$ 308,965	Total	\$ 149,632	\$ 423,936



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. & Restoratio	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: April 16, 2015

Subject: Monthly Legal Case Summary – March and April 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
March and April 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 Hearing Officer and parties conducted an administrative hearing on March 5th and 6th and the parties are currently waiting for the Recommended Order. (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)

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 for the construction of a dock. The request was granted and the Appellant had until March 2, 2015 to file an appeal in this matter. On February 17, 2015 the Appellant filed the administrative appeal and the matter has been assigned to a Hearing Officer to conduct an evidentiary hearing. (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 by removing some of the fill and some planting ferns. (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)

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 with an Answer and Affirmative Defenses on October 27, 2014 and the case will move forward as appropriate. (AZ)

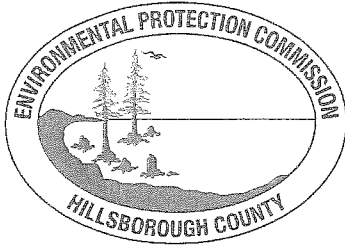
Saddlewood Investments, LLC v. Palencia Apartments, et al. [14-EPC012]: On October 13, 2014, the Plaintiff Saddlewood Investments, LLC served an amended lawsuit on the EPC for a statutory easement by way of necessity through a Conservation Easement held by the EPC. The Legal Department filed an Answer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

(NONE)

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: April 16, 2015

Subject: EPC Action Plans for 2015

Agenda Section: Consent Agenda

Item: Legal and Administrative Services Division

Recommendation: Receive detailed outlines of previously approved Action Plans for 2015.

Brief Summary: Each year at the end of the Agency's planning cycle, staff develops a new set of action plans for the coming calendar year. These action plans are used to address opportunities for improvement as identified through the Sterling Management initiative. At the December Board meeting, staff proposed new action plans for 2015 and sought input on the Agency planning process. The topics and brief descriptions for the five proposed action plans were approved at the February Board meeting. The purpose of this agenda item is to provide more detailed outlines of the action plans for 2015.

Financial Impact: No additional funds required at this time. Monies for the individual action plans will be paid out of the current budget, or brought to the Board and requested separately as needed.

Background: Pursuant to the EPC's Strategic Plan, staff completes an annual review of the strategic priorities and objectives, challenges and advantages, core functions, products and services, and employee and customer surveys. They look at the metrics measuring each and look for ways to continuously improve the EPC's effectiveness and efficiency. These steps to continuous improvement are titled action plans. These action plans, along with the others still on-going from previous years, are the mechanisms used to make progress towards achieving the long term goals established through the Sterling Management initiative.

Each plan is assigned an owner and an advisor to see it through. The plans are approved by the Board and updates are provided quarterly. This agenda item provides detailed outlines for the five action plans for 2015 including proposed timelines for completion. Many are considered critical to the Agency's long term goal to qualify as a Governor's Sterling Award winning organization.

List of Attachments: Supplemental packet containing ~~two~~ five 2015 Action Plans.

<p>Strategic Priority/Objective: 1.3 Environmental Protection Excellence / Protect Air Quality</p>	<p>Related Priorities/Objectives: 1.2 Environmental Protection Excellence / Protect Surface Waters & 1.5 Environmental Stewardship</p>
<p>Action Plan Name: Mercury in Fish Advisory</p>	<p>Resources Needed: Staff time, outside State Departments (DOH, DEP), monies for support materials, committee groups</p>
<p>Action Plan Owner: Reggie Sanford Advisor: Jerry Campbell</p>	<p>Estimated Cost to the Agency: \$5,000 (Should advisories need updating, monies will pay for associated costs)</p>
<p>Goal: Provide current fish advisory information regarding mercury to sensitive groups (woman of child bearing age and children).</p>	<p>Estimated Staff Hours Needed: Moderate</p>
<p>To Be Completed by: December 2015</p>	<p>Benefits to the Natural Resources/Agency: Benefits the public allowing them to make informed decisions regarding any risk associated with consuming local fish.</p>
<p>Success to be measured by:</p> <ol style="list-style-type: none"> 1. Definitive EPC determination regarding the current status of mercury content in fish through latest DOH testing. 2. Having an up-to-date fish advisory card for local waters. 3. Distributing 500 fish advisory cards to sensitive populations. 4. Giving at least three outreach presentations to the public regarding these fish advisories. 	<p>When 4/2015</p> <p>How Accomplished Choose staff based on Director recommendation.</p>
<p>Specific Actions</p>	<p>By Who RS</p>
<p>1. Assemble a committee comprised of representatives from Water (Lab), Waste, and Air; lay out task goals.</p>	

Specific Actions	By Who	When	How Accomplished
2. Determine the basis/ assumptions used in developing the last advisory and contact DOH to get latest testing information. If testing is overdue make case to have it done again.	Committee	4/2015 – 5/2015	Group analysis session.
3. Make written update to the ED on the fish testing data with recommendation on putting out a new brochure.	Committee	7/2015	Group analysis session.
4. If study results dictate, update advisory brochures to reflect latest fish testing data.	Committee	7/2015 – 9/2015	Use in-house services to design the brochure and outside contractor to print it.
5. If study results dictate, contact doctors offices and interested groups to gain assistance in distributing new brochures.	Committee	8/2015	Group analysis session.
6. If study results dictate, contact interested groups and offer outreach at events or a speaker. Discuss success of air emission reductions and current advisories. Highlight mercury product use and collection events.	Committee	9/2015	Based on final analysis.
7. Make Board presentation.	Committee/ RS	10/2015	To be determined.
8. Action Plan Closeout.	Owner's Name	End of Year	Fill out Year End Action Plan Evaluation form, archive Lessons Learned. Continuing projects: Integrate Processes, Roles, Policies and SOPs into Operations. Acknowledge and congratulate team through face-to-face and/or EPC-all email.

<p>Strategic Priority/Objective: 2.1 Successful/Engaged Workforce / Employee Training</p>	<p>Related Priorities/Objectives: 1.5 Promote Environmental Stewardship, 2.2 Employee Satisfaction, 2.3 Employee Empowerment, 3.1 Customer Satisfaction, 5.3 Leadership Development & Succession Planning</p>
<p>Action Plan Name: Career Development Program</p>	<p>Resources Needed: Agency staff time</p>
<p>Action Plan Owner: Nicole Garcia Advisor: Rick Tschantz</p>	<p>Estimated Outside Cost to the Agency: (\$5,000?)</p>
<p>Goal: To develop an Agency-wide program to promote Career Development.</p>	<p>Estimated Staff Hours Needed: ~100+</p>
<p>To Be Completed by (Date): March 2016</p>	<p>Benefits to the Natural Resources/Agency: Staff pursuing and achieving career development opportunities strengthens the professionalism of the Agency and empowers employees to invest in their future and career. This program will increase employee satisfaction, retention of qualified staff, improve external customer service, and form a qualified pool of well trained candidates for succession planning.</p>
<p>Success to be measured by: Increases in positive feedback regarding employee satisfaction. Measured by employee survey questions #27 -A variety of enrichment courses are available through our training department (increase by 5%), #51-clear path for career development (increase by 5%), and verbatim from informal focus groups. Number of professional development initiatives completed related to MVV of Agency.</p>	<p>When</p>
<p>Specific Actions</p> <p>1. Convene Staff Development & Training (SD&T) Committee.</p>	<p>How Accomplished</p> <p>Discuss purpose and objective of action plan. Brainstorm for ideas on career development opportunities.</p>
<p>By Who</p> <p>SD&T Committee</p>	<p>When</p> <p>April 2015</p>

Specific Actions	By Who	When	How Accomplished
2. Initiate former focus group meetings.	SD&T Committee, Focus group	May 2015	Develop list of open questions for focus groups. Reserve meeting room, designate time slots, appoint moderators, and record feedback. Manager & Supervisor's focus group will discuss use of IDP and brainstorm for career development ideas.
3. Committee summarizes suggestions / ideas from focus groups feedback applicable for career development opportunities.	SD&T Committee	May 2015	Evaluate ideas using a LEAN prioritization matrix to rank each suggestion to assign a score based on feasibility and cost.
4. Benchmark external agency's Career Development programs.	SD&T Committee	May 2015	Research Hills. County HR, tax collector, DEP, and other surrounding county training programs.
5. Finalize list of career development opportunities. Obtain approval.	SD&T Committee & Senior Staff	July 2015	Meet as committee to make specific recommendations based on feedback and benchmarks. Prepare a written summary to present to senior staff.
6. Develop an SOP and process for program dissemination and implementation.	SD&T Committee, Legal, MIS , and Senior Staff	September 2015	Seek Senior Staff approval of program methodology and SOP. Coordinate with MIS to post an informational link on web page.
7. Present Career development program to EPC staff.	SD&T Committee	March 2016	Present potential career development options / programs to staff during an in service meeting. Send out an informational email about program.
8. Action Plan Closeout.	SD&T Committee	March 2016	Fill out Year End Action Plan Evaluation form, Archive "Lessons Learned" and post on the BMP webpage. Continuing projects integrate Processes, Roles, Policies and SOPs into Operations. Acknowledge and congratulate team through face-to-face and/or EPC-all email.

<p>Strategic Priority/Objective: 2.2 Successful / Engaged Workforce Employee Satisfaction</p>	<p>Related Priorities/Objectives: 3.1 Customer Satisfaction</p>	
<p>Action Plan Name: Roger P. Stewart (RPS) Building Renewal Project</p>	<p>Resources Needed: RPS Building Renewal Project Committee, Agency staff time, HC Facilities Department, funds for materials and contractors.</p>	
<p>Action Plan Owner: Monica Hamby Advisor: Hooshang Boostani</p>	<p>Estimated Cost to the Agency: Up to \$10,000 (depending on approved repairs/enhancements)</p>	
<p>Goal: Identify and prioritize repairs/enhancements in order to update and to implement sustainable practices for the Roger P. Stewart (RPS) Building.</p> <p>To Be Completed by: December 2015</p>	<p>Estimated Staff Hours Needed: Moderate</p>	
<p>Success to be measured by: -Creation of a RPS Building Improvement Report. -Increase positive response percentage to question #17 in employee survey by 10%. -Decrease # of service calls to facilities by 10%.</p>	<p>Benefits to the Natural Resources/Agency: Repairs/ enhancements will improve employee morale and customer satisfaction/comfort while conducting business at the RPS Building.</p>	
<p>Specific Actions</p>	<p>By Who</p>	<p>When</p>
<p>1. Form a multi-divisional/agency-wide committee whose purpose is to research and develop a plan to update the RPS Building. Submit work request to HC Facilities.</p> <p>2. Identify needed improvements and summarize in a report.</p>	<p>Monica Hamby & Advisor</p> <p>Committee</p>	<p>February - March 2015</p> <p>April 2015</p>
<p>How Accomplished</p>		<p>Contact potential committee members requesting their involvement. Submit request for completion of a selected project to HC Facilities.</p> <p>Conduct a visual inspection of the agency.</p>

Specific Actions	By Who	When	How Accomplished
3. Develop and deploy employee questionnaire #1 for prioritization of all improvements/sustainable practices and summarize results.	Committee	April - May 2015	Develop/deploy Survey Monkey #1 based on identified improvements.
4. Research building modifications permitted by Hillsborough Real Estate & Facilities.	Committee	May 2015	Contact HC Real Estate & Facilities.
5. Develop plans for identified improvements and sustainable practices to the RPS Building based on prioritization.	Committee	June 2015	Research estimated costs of prioritized improvements.
6. Proposed improvement plans to be released agency wide.	Committee	July 2015	By email, relay the proposed plans agency wide.
7. Perform fiscal analysis to determine FY 15-16 budget. Implement any small-scale improvements within current budget.	Committee & EPC Accounting	July - September 2015	Research current and upcoming budget with EPC Accounting.
8. Select projects based on employee questionnaire #1, develop and deploy employee questionnaire #2, submit final analysis to Senior Staff.	Committee & Senior Staff	September - November 2015	Identify projects that can be completed based on provided budget. Develop/deploy Survey Monkey #2 to employees for additional prioritization. Senior Staff reviews final analysis. RPS Building Improvement Report available for future use.
9. Action Plan Closeout.	Monica Hamby	End of Year	Fill out Year End Action Plan Evaluation form, archive Lessons Learned. Continuing projects: Integrate Processes, Roles, Policies and SOPs into Operations. Acknowledge and congratulate team through face-to-face and/or EPC-all email.

<p>Strategic Priority/Objective: 3.1 Customer/Partner Focused Excellence / Customer Satisfaction</p>	<p>Related Priorities/Objectives: 5.2 Improve Use of Technology</p>
<p>Action Plan Name: Eco Community Maps</p>	<p>Resources Needed: Interns, GIS-Users Group, Complaints committee, GIS Online, ArcMap & Licensing, GIS FTE, Stakeholder Representatives, MIS</p>
<p>Action Plan Owner: Laura Thorne Advisor: Hooshang Boostani</p>	<p>Estimated Cost to the Agency: \$30,000</p>
<p>Goal: Create user-friendly maps to display EPC data to the neighborhood level</p>	<p>Estimated Staff Hours Needed: 800 hrs + intern hours</p>
<p>To Be Completed by (Date): December 2015</p>	<p>Benefits to the Natural Resources/Agency: Enable quick access of EPC data to the public.</p>
<p>Success to be measured by: User feedback after map(s) is/are published, number of hits to map.</p>	
<p>Specific Actions</p>	<p>When</p>
<p>1. Identify and add layers</p>	<p>How Accomplished Continue to work with existing list and incorporate feedback from stakeholders.</p>
<p>2. Evaluate best template selection</p>	<p>On-Going</p> <p>March 2015</p> <p>Review existing Community Map and the other options available from ESRI. Make improvements based on this review.</p>

Specific Actions	By Who	When	How Accomplished
3. Get Feedback from stakeholders	Team, GIS Users, Complaints committee	May/June 2015	Survey Business and Environmental Feedback groups both face to face and through follow up email. Feedback collected will be incorporated.
4. Get ok from Senior Staff to publish map	Senior staff, interns, CP, LT, FTE?	July 2015	Show updated map to Senior Staff, incorporate comments if needed
5. Rollout (upon approval)	LT, MIS, FTE?	August 2015	Publish, post announcements, incorporate feedback
6. Evaluate additional GIS tools (e.g. ArcServer)	Interns, CP, LT, FTE?	Sept/Oct 2015	List all barriers to fully functional map List all counter measures Evaluate ROI on counter measure options
7. Final Presentation to Senior Staff	CP, LT, FTE?	November 2015	Produce final report with status of posted maps, cost analysis for upgrades from Step 6
8. Action Plan Closeout.	LT	End of Year	Fill out Year End Action Plan Evaluation form, archive Lessons Learned. Continuing projects: Integrate Processes, Roles, Policies and SOPs into Operations. Acknowledge and congratulate team through face-to-face and/or EPC-all email.

Strategic Priority/Objective: 4.1 Fiscal Responsibility/Maximize Funding	Related Priorities/Objectives: 5.1 Continuous Improvement/Process Performance	
Action Plan Name: Return On Investment (ROI) Culture Training	Resources Needed: Agency staff time, funding for training workshops, materials, tools and reports	
Action Plan Owner: Alain Watson Advisor: Scott Emery	Estimated Cost to the Agency: Up to \$10,000 (budgeted)	
Goal: Develop a training program and obtain resources for ROI analyses.	Estimated Staff Hours Needed: 300 staff hours	
To Be Completed by (Date): March 31, 2016	Benefits to the Natural Resources/Agency: Educated staff implementing ROI evaluations for capital and resource expenditures to justify the use of public dollars and resulting in informed purchasing decisions and improved efficiency.	
Success to be measured by: 1. One staff from each EPC Operational Division participating in ROI training 2. Development of ROI analysis tools 3. Establish an Agency SOP requiring ROI analysis with any capital or contract purchase in excess of \$5,000.	When March 2015	How Accomplished Research on-line resources, libraries, academic organizations
Specific Actions 1. Develop a list of available training tools, opportunities, and resources for ROI evaluations.	By Who Alain	

Specific Actions	By Who	When	How Accomplished
2. Select training method and develop a training plan.	Workgroup	May 2015	Solicit workgroup members and convene meetings to review, provide feedback and reports to Sr. Staff.
3. Present to Sr. Staff for approval and guidance.	Workgroup	June 2015	Attend Sr. Staff meeting to report progress and present project detail.
4. Initiate training activities for ROI evaluations of general purchases in excess of \$5,000.	Workgroup	June 2015	E-learning, workshops, self-study training methods as approved by Sr. Staff.
5. Draft amendments to EPC Purchasing Policy requiring ROI analysis for general purchases over \$5,000.	Workgroup	December 2015	Workgroup review and comment; draft comment from Sr. Staff.
6. Present recommended purchasing policy and procedures to Sr. Staff for final approval.	Alain	February 2016	Presentation to Sr. Staff for Executive Director signature.
7. Action Plan Closeout.	Alain	March 2016	Fill-out Year End Action Plan Evaluation form, archive Lessons Learned. Continuing projects: Integrate Processes, Roles, Policies and SOPs into Operations. Acknowledge and congratulate team through face-to-face and/or EPC-all email.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: April 16, 2015

Subject: Quarterly Update for EPC's 2015 Goals

Agenda Section: Consent Agenda

Item: Executive Director Report

Recommendation: Informational Report.

Brief Summary: Each year the Executive Director commits to specific numeric goals for evaluating staff's performance on how well we deliver the Agency's core services. The core services include permitting, compliance assurance, citizen support and enforcement. The attached table has at least one metric for each of these four areas.

Financial Impact: No Financial Impact.

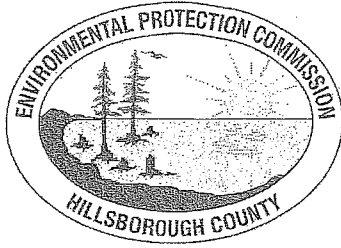
Background: The Agency tracks some thirty metrics to gauge how well they do with regard to delivery of their core functions. At the Board's direction, staff proposes annual goals and reports progress quarterly. These goals cover four of the five core functions and are set to push employees to exceed expectations. This is consistent with the Agency's adopted management philosophy of continuous improvement through innovation.

These goals and the Agency's results are also used as part of the Executive Director's annual evaluation.

List of Attachments: Table labelled "EPC's 2015 Goals."

EPC's 2015 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2012	2013	2014	2015 YTD (1 st Qtr)	2015 Goal
	Average Time to Issue an Intent for State Construction Permits	57 days	36 days	29 days	20 days	19 days	Less Than or Equal to 35 days
Permitting	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	43 days	46 days	55 days	45 days	Less Than or Equal to 55 days
	Average Time EPC Permits were In-house	21 days	16 days	17 days	19 days	18 days	Less Than or Equal to 25 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	91%	92%	93%	92%	Greater Than or Equal to 90%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	99% in 5 Days	99% in 5 Days	99% in 5 Days	96% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	76%	94%	96%	100%	Greater Than or Equal to 90%



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: April 16, 2015

Subject: Cooperative agreement between the Environmental Protection Commission and Hillsborough County for Bahia Beach Project Mangrove Enhancement

Agenda Section: Consent Agenda

Division: Water Management Division

Recommendation: Approve the Cooperative Agreement between EPC and Hillsborough County to complete exotic removal/mangrove enhancement at Bahia Beach and approve use of the Pollution Recovery Fund for this project.

Brief Summary: Hillsborough County Parks, Recreation and Conservation Department is overseeing the exotic removal/mangrove enhancement work on behalf of the EPC at Bahia Beach. The Bahia Beach Restoration Project is a partnership between EPC, and Hillsborough County. Hillsborough County and the EPC entered into an agreement for this project in 2011. The Conservation Services Department requested additional time to allow for one year of vegetation maintenance by the contractor. Staff from both agencies request that both commissions re-execute the agreement with no change in cost and grant an extension of time.

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

Background: The Bahia Beach Restoration Project is a partnership between EPC and Hillsborough County to remove invasive exotic plants and enhance the mangrove ecosystem within the Bahia Beach Coastal Restoration Preserve and adjacent County – owned preservation lands. With Commission approval, Hillsborough County and the EPC entered into an agreement for this project on November 2, 2011. The EPC will pay the County \$56,700 for restoration services. To date, the County has been involved in the project design and permitting process. EPC has been involved with the initial funding of the project through the Pollution Recovery Fund as well as design review and permitting assistance. The majority of the work on this project has been completed; this agreement will allow additional time for project completion and invoicing.

The EPC funds come from a settlement between the EPC and The Reserve at Old Tampa Bay Homeowners Association, Inc for mangrove trimming violations. \$56,700 was deposited to the Pollution Recovery Fund. The US Army Corps of Engineers (USACOE) and EPC staff agreed to utilize the settlement specifically for Bahia Beach mangrove restoration efforts. As part of the 2011 Agreement, Hillsborough County Parks, Recreation and Conservation Department staff is overseeing the exotic removal/mangrove enhancement work on behalf of the EPC at Bahia Beach. The County staff need additional time to complete the project, thus EPC staff is recommending approval of the attached Agreement. The Agreement rescinds and replaces the expired agreement at no additional cost. The BOCC approved this Agreement at the BOCC meeting dated April 1, 2015.

List of Attachments: Cooperative agreement between the Environmental Protection Commission and Hillsborough County for Bahia Beach Project Mangrove Enhancement

COOPERATIVE AGREEMENT
between the
ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH
COUNTY
and
HILLSBOROUGH COUNTY
for Bahia Beach Project Mangrove Enhancement

THIS COOPERATIVE AGREEMENT, (the "Agreement") is made and entered into by and between Hillsborough County, a political subdivision of the State of Florida (the "COUNTY") and the Environmental Protection Commission of Hillsborough County (the "EPC"), a political subdivision of the State of Florida.

WITNESSETH:

WHEREAS, the EPC is a local government environmental agency created by Special Act 84-446, Laws of Florida as amended, that implements various environmental regulatory programs, restoration projects, and conducts activities designed to prevent and minimize pollution; and

WHEREAS, the COUNTY manages certain lands designated for conservation or preservation, including, but not limited to, Bahia Beach and adjacent properties (Exhibit D); and

WHEREAS, the EPC has negotiated fines that were deposited to the Pollution Recovery Fund (PRF) through a consent order entered into by the EPC and The Reserve at Old Tampa Bay Homeowners Association, Inc for mangrove trimming violations. Through an informal agreement with the U.S. Army Corps of Engineer, the settlement PRF funds are specifically targeted for mangrove restoration efforts; and

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

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

WHEREAS, the EPC and the COUNTY agree that a Cooperative Agreement wherein the EPC pays the COUNTY to perform the Enhancement is an efficient allocation of resources to achieve a common goal of habitat restoration; and

WHEREAS, the EPC and the COUNTY entered into a Cooperative Agreement for the Project on November 2, 2011 ("Original Agreement") and a First Amendment to the Original Agreement on October 18, 2013; and

WHEREAS, the Original Agreement expired on November 2, 2014 and the COUNTY has completed part of the project, but needs additional time to allow the COUNTY and their contractor to perform the remaining follow-up maintenance exotic plant spraying and apply for reimbursement from the EPC; and

WHEREAS, the parties desire to complete the Project through a new Agreement that rescinds and replaces the Original Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and provision contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

PART I - EPC RESPONSIBILITIES

- a) The EPC shall pay the COUNTY an amount not to exceed \$56,700.00 to perform the functions related to the Enhancement as specifically set forth in this Agreement.
- b) The EPC shall reimburse the COUNTY through the use of an Inter-Organization Charge form ("IOC") process, and/or other accounting procedures, resulting in the actual transfer of funds to the COUNTY. The IOC(s), prepared by the COUNTY and including appropriate backup documentation, will charge the EPC's expense index code and credit the COUNTY's established revenue index code. The EPC shall reimburse the COUNTY in accordance with the time frame set forth in the Local Government Prompt Payment Act (Chp. 218, F.S.). EPC shall reimburse the COUNTY within 45 days of receiving a complete invoice from the COUNTY. In the event the COUNTY's request for reimbursement is not supported by adequate documentation, the EPC may request additional information in writing within 30 days. Upon receipt of additional documentation the EPC's reimbursement deadline of 45 days commences.

PART II - COUNTY RESPONSIBILITIES

- a) The COUNTY shall, through its Parks, Recreation and Conservation Department, perform the following tasks within 12 months of execution of this Agreement within the project area (Exhibit II) as a part of the Bahia Beach Restoration Project:
 - 1) Conduct a site visit with EPC staff and identify and record with GPS the locations of exotic plants on the property within 90 days of execution of this Agreement.
 - 2) Determine the best removal technique (i.e. mechanical removal, spray in place, or a combination of both) to eradicate the exotic infestations.
 - 3) Determine if hydro-blasting portions of the mosquito ditches will help enhance the salt tern and mangrove forest.
 - 4) Develop a Request For Bid for the project and hire a qualified contractor.
 - 5) Oversee the activities of the contractor to insure they are meeting the objectives of this agreement.

- 6) Provide a final report to the EPC within 90 days of completion of the items noted in (II)(a)1-5 above.

The parties recognize that the COUNTY has completed items Part II(a)(1)-(5) and that the remaining obligations are as follows: the COUNTY and their contractor must perform the remaining follow-up maintenance exotic plant spraying, the COUNTY must file the report noted in Part II (a)(6) above, and the COUNTY must apply for reimbursement from the EPC.

- b) The COUNTY will prepare the IOC and shall attach appropriate back-up documentation supporting such IOC, if appropriate. The COUNTY may submit multiple invoices and prepare multiple IOCs for reimbursement. If EPC has any questions or needs additional information to ensure that the reimbursement is appropriate under this Agreement, the County shall arrange to promptly provide the additional information in response to a written EPC request, as needed, prior to reimbursement.

PART III - MUTUAL CONSIDERATION and MISCELLANEOUS CONDITIONS

- a) EPC and COUNTY staff will meet regularly to discuss the Project progress.
- b) Modifications to this Agreement may be presented at any time and if mutually agreed upon, shall be placed in writing and executed by both parties.
- c) This Agreement shall become effective as of the date of the filing of this Agreement with the Clerk of the Circuit Court of Hillsborough County, Florida (the "Effective Date"). The term of this Agreement shall be from the Effective Date and the Agreement shall expire 12 months after the Effective date, unless the parties mutually agree to a modification. However, the parties agree that the Agreement applies retroactively to November 2, 2014, so that the COUNTY may seek reimbursement for approved Project activities conducted from November 2, 2014 through the expiration of this Agreement.
- d) Key personnel are as follows and any written notices should be provided via U.S. mail or hand delivery to the following:
 - i. COUNTY: Ross Dickerson, Parks, Recreation and Conservation Department, 601 East Kennedy Boulevard, 23rd floor, Tampa, FL 33602; phone (813) 672-7876 Ext: 211.
 - ii. EPC: Laura Thorne, EPC Water Management Division, 3629 Queen Palm Drive, Tampa, FL 33619; phone (813) 627-2600.

Changes to key personnel may be made in writing to the other party, without need for modification to this Agreement.

- e) Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its respective officers, agents, and employees arising from the duties related to this Agreement. Notwithstanding any provision in this Agreement, all issues relating to liability, including but not

limited to waivers or assumptions of liability, in this Agreement are subject to, may not be contrary to, and are limited by the sovereign immunity laws, including but not limited to section 768.28, Florida Statutes.

f) If any provision of this Agreement is found invalid or unenforceable by any court of competent jurisdiction, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this Agreement which shall continue in full force and effect, provided the rights and obligations of the parties contained herein are not materially prejudiced and that the intentions of the parties can continue to be effected. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida. Venue of any disputes relating to this Agreement shall be in Hillsborough County, Florida.

g) This Agreement is subject to funding availability. In the event sufficient budget funds are not available for a new fiscal period, either party shall notify the other of such occurrence and the Agreement shall terminate on the last day of current fiscal period without penalty or expense to the COUNTY or EPC. The COUNTY shall be paid for all work performed up until the date of termination. Pursuant to section 218.77, F.S. the parties are aware that the EPC's funding for this Enhancement is contingent on receipt of federal funds or federal approval.

h) The parties shall allow public access to all documents, papers and letters made or received by the EPC in connection with this Agreement that are public records pursuant to Chapter 119, Florida Statutes.

i) This Agreement may be terminated in writing by either party provided that no termination may be effected unless the other party is given not less than sixty (60) calendar days written notice, delivered by certified mail. Upon termination, the COUNTY shall promptly discontinue all affected work (unless the notice directs otherwise), and shall deliver or otherwise make available to the EPC all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the COUNTY in performing the Agreement, whether completed or in progress. The COUNTY shall be paid for all work performed up until the date of termination.

j) This Agreement rescinds and replaces all other agreements between the parties regarding this Project, including but not limited to the Original Agreement dated November 2, 2011 and its First Amendment dated October 18, 2013.

PART IV - RECORDING:

The Clerk of the Board of County Commissioners for the COUNTY is hereby authorized and directed, after approval of this Agreement by the respective governing bodies of the COUNTY and EPC and the execution thereof by the duly qualified and authorized representatives of each of the parties hereto, to file this Agreement with the Clerk of the Circuit Court of Hillsborough County, Florida, for recording in the public records of Hillsborough County, Florida.

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

ATTEST:
PAT FRANK
CLERK OF CIRCUIT COURT

HILLSBOROUGH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Sandra Murman, Chairman
Board of County Commissioners

(OFFICIAL SEAL)

Date: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: _____
Assistant County Attorney

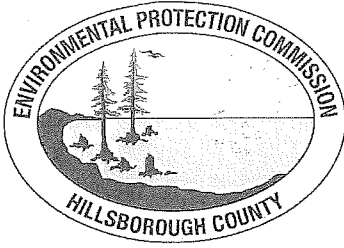
ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH
COUNTY

By: _____
Lesley "Les" Miller, Jr., Chairman
Environmental Protection Commission

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
EPC Attorney



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: April 16, 2015

Subject: Acknowledging the student recipient of EPC's Environmental Merit Award at the 35th Annual Hillsborough Regional Science, Technology, Engineering and Mathematics Fair.

Agenda Section: Regular Agenda

Item: Executive Director Report

Recommendation: For Information Only

Brief Summary: On February 4th, 2015 staff of the EPC recognized Margaret Parrish, a student at Chamberlain High School, for her outstanding science fair project. She will attend the EPC meeting to receive recognition from the Commissioners.

Financial Impact: Financial Impact to Fund is \$110 to be paid out of existing funds.

Background: On February 4th, 2015 staff of the EPC recognized Margaret Parrish, a student at Chamberlain High School, for her outstanding science project at the 35th Annual Hillsborough Regional Science, Technology, Engineering and Mathematics Fair. She received an EPC certificate and will receive a one-year membership to the Florida Aquarium for receiving EPC's Environmental Merit Award.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: April 16, 2015

Subject: Progress Report. Proposed Delegation/Authorization from Florida Fish and Wildlife Conservation Commission (FWC) for Aquatic Plant Management

Agenda Section: Regular Agenda

Item: Wetlands Management Division

Recommendations: Authorize staff to develop an agreement with the FWC.

Brief Summary: Under Chapter 1-11 (Wetlands Rule) EPC staff are required to examine all shoreline activities along lakes that entail vegetation removal/alteration. At the State level, FWC has similar responsibilities. Staff from both agencies have worked well together coordinating their field efforts in this regard. However, in 2013, FWC closed its Hillsborough County office. FWC now must send their staff from either Inverness or Bartow to undertake this work. Staff from both FWC and EPC are of the opinion that EPC is technically capable of assuming these responsibilities on behalf of the FWC. On March 25, 2015, Rick Tschantz and Scott Emery met with upper management staff from FWC in Tallahassee to discuss this matter.

Financial Impact: Currently, neither FWC nor EPC charge the citizen for obtaining authorization for removal of nuisance vegetation/aquatic plant management. EPC does currently charge a fee of \$150 for authorization for a swim access. EPC estimates taking on this added workload from FWC will add 3 man-hours average per site to EPC's workload for new form completion/authorization.

Background:

The Commission has often indicated its support for consolidation of permitting activities to create as much of a "one stop permitting" approach as possible. EPC wetland scientists have worked closely with FWC scientists for years on aquatic plant management-related matters. Per these FWC experts, EPC wetland scientists are now qualified to undertake the delegation of FWC rules regarding aquatic plant management permitting within Hillsborough County. This delegation/authorization will streamline the process, as EPC scientists can almost always get on-site more expeditiously than can a team from outside the County boundaries. EPC scientists are already required to be on-site as part of the EPC Wetland Rule, therefore, the amount of extra time would be limited to the filling out of an additional FWC form(s) and working with the citizen regarding this form.

On March 25, 2015, Rick Tschantz and Scott Emery met with upper management staff from FWC at their headquarters in Tallahassee. Staff learned from that meeting the following information: (1) FWC is very interested in EPC obtaining this authorization from FWC; (2) EPC would be the first local agency so entrusted by FWC; (3) Since FWC is a constitutionally created agency, their process to implement such authorization will require a rule change that they are pursuing. There would not be additional fees collected from this additional work. Our estimate is that, on average, it will take our staff an extra 3 person hours per site to complete the extra forms and provide both authorizations (EPC and FWC).

Recommendation: Accept staff progress report. Allow staff to pursue delegation/authorization.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: April 16, 2015

Subject: Request to hold a public hearing on May 21, 2015 to approve amendments to the EPC Wetland Rule, Ch. 1-11, Rules of the EPC for purposes of seeking delegation for DEP Formal Determinations of wetlands and other surface waters.

Agenda Section: Regular Agenda

Item: Wetlands Management Division

Recommendation: Hold a public hearing at the Commission meeting on May 21, 2015, at 9 a.m., to consider amendments to the EPC Wetland Rule, Ch. 1-11, Rules of the EPC.

Brief Summary: Pursuant to the EPC Act, the Commission must hold a noticed public hearing to approve or amend a rule. The EPC staff requests that the Commission approve scheduling a public hearing during its regularly scheduled meeting on May 21, 2015, at 9 a.m. to consider amendments to the Ch. 1-11, EPC Wetland Rule. The rule amendments to be adopted by the EPC are required by Florida Statutes for purposes of seeking delegation from the DEP for Formal Determinations of the landward extent of wetlands and other surface water boundaries. The rules to be adopted by reference are only those rules already existing in state law and the rule amendment is intended to incorporate all existing state rules necessary for the applying for and receiving delegation from the DEP to the EPC to perform Formal Determinations of wetlands and other surface waters in Hillsborough County.

Financial Impact: No Financial Impact as the EPC is already conducting wetland and other surface water delineations

Background: On December 13, 2011, the EPC and the Florida Department of Environmental Protection entered into a delegation agreement transferring a portion of the State Environmental Resource Permitting (ERP) program to the EPC for implementation. In addition, the EPC has sought delegation of other programs in an effort to streamline permitting in Hillsborough County and this delegation will only help to further streamline the permitting process. This delegation of Formal Determinations will enhance the existing EPC ERP delegation agreement and will serve to assist applicants in obtaining formal wetland and other surface water boundary determinations. The EPC already uses the existing statewide uniform methodology for establishing the landward extent of wetlands and other surface waters but additional state rules must be adopted to allow for the full delegation of the authority to perform Formal Determinations on behalf of the DEP or the Southwest Florida Water Management District. The rules to be adopted by reference within Section 1-11.04, Rules of the EPC include the full state Statute Section 373.421, Florida Statutes and the full Section 62-340, Florida Administrative Code.

Pursuant to Section 5.2 of the Hillsborough County Environmental Protection Act (EPC Act), the Commission must hold a noticed public hearing to approve a rule or rule amendment. The EPC staff requests that the Commission approve scheduling a rule amendment public hearing during its regularly scheduled meeting on May 21, 2015, at 9:00 a.m.

List of Attachments: Draft amended Section 1-11.04, EPC Wetland Rule

Draft rule – February 25, 2015
**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-11
WETLANDS**

PART I

- 1-11.01 Intent
- 1-11.02 Definitions
- 1-11.03 Identification of Wetlands
- 1-11.04 Wetland and Other Surface Water Delineations
- 1-11.05 Pollution Prohibited
- 1-11.06 Review of Proposed Development Within Wetlands and Other Surface Waters
- 1-11.07 Environmental Protection Commission Authorization
- 1-11.08 Minimum Requirements of a Mitigation Plan
- 1-11.09 Adequate Protection
- 1-11.10 Miscellaneous Activities in Wetlands
- 1-11.11 Exemptions
- 1-11.12 Bona Fide Agricultural Activities

PART II (Wetland Recovery Area)

- 1-11.20 Designation of Recovery Areas
- 1-11.21 Delineation of the Recovery Areas
- 1-11.22 Management Plans
- 1-11.23 Monitoring and Evaluation
- 1-11.24 Termination of Recovery Area Restrictions

**1-11.04 DELINEATION OF WETLANDS
AND OTHER SURFACE WATERS**

1. Section 373.421, Florida Statutes and Section Chapter 62-340.300, 62-340.400, 62-340.450, 62-340.500, 62-340.550, and 62-340.600, F.A.C. providing the statewide method as amended by the Legislature for delineating

wetlands and other surface waters in Florida, are adopted by reference. Qualified developments granted vested or grandfathered rights pursuant to Section 373.421(7), F.S. shall be delineated as provided therein.

2. Upon request of any person with a legal or equitable interest including governmental bodies, and upon payment of the appropriate fee as established in Chapter 1-6 of these Rules, a Formal Determination ~~formal determination~~ approving a certified survey, or an approximate delineation as reflected on a scaled site plan, shall be issued as to the existence and extent of any wetlands and other surface waters upon specific lands within Hillsborough County. ~~Failure to make a wetland determination within 30 days of receipt of a complete request and payment therefore shall entitle the applicant upon appropriate notice, to a hearing before a hearing officer as provided in Section 9 of Chapter 84-446, Laws of Florida.~~

3. ~~Delineations made upon interpretation of aerial photography are subject to modification by future on-site inspection. Upon approval of delegation from the DEP of Formal Determinations pursuant to Section 62-244.500(5), F.A.C., the EPC shall implement surface water delineations in accordance with the procedures and standards provided for in the executed Delegation Agreement during the time period such agreement is in effect.~~

4. Delineations pursuant to a formal determination or pursuant to a DEP or SWFWMD permit where the delineation was field-verified and specifically approved in the permit shall be binding for five years provided physical conditions on the property do not change to alter the boundaries during that time.

5. ~~All other determinations made prior to the effective date of this rule shall be presumptively valid only.~~

6. ~~This section shall not be construed as limiting the right of any citizen to register a complaint or request investigation of an alleged violation.~~

Section History – Amended December 18, 1997; Amended _____, Effective _____

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: April 16, 2015

Subject: EPC's Clean Air Fair

Agenda Section: Regular Agenda

Item: Air Management Division

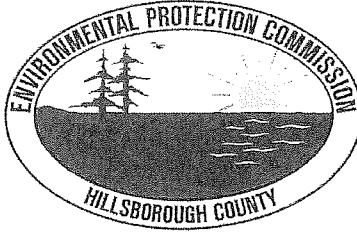
Recommendation: Informational report.

Brief Summary: EPC is once again pleased to celebrate the month of May as Clean Air Month. Nationally May has been designated as a time to emphasize the importance of clean air to the vitality and the good health of our communities. As part of this celebration, staff will be hosting some forty exhibitors on Poe Plaza at lunch time on May 7th to help spread the message. The theme this year is "Selfies for Clean Air." The public will be encouraged to take selfies doing something that promotes air quality and posting it on the EPC's Facebook page.

Financial Impact: No Financial Impact.

Background: Since the seventies, EPC has been recognizing the national initiative known as Clean Air Month for the month of May. Staff works with the public schools to promote a photography contest for middle and high school students as well as hosting a Clean Air Fair. This year's Fair is to be held on Thursday May 7th. Through the generosity of our many sponsors, staff is able to educate the public and at the same time feed and entertain them for a total cost of a couple hundred dollars. The downtown Hilton has stepped up and offered their Poe Plaza to serve as the Fair site, and we expect a lunch time crowd of approximately one thousand guests.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: APR 16, 2015

Subject: Personnel Resources Needed for FDEP Petroleum Contracts

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

Division: Waste Management

Recommendation: Approve EPC to move forward to create multiple positions to address increased workload for the petroleum cleanup and compliance contracts.

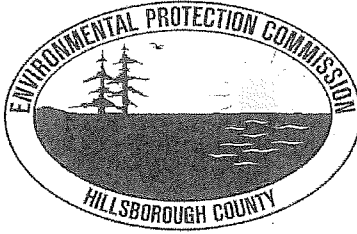
Brief Summary: EPC and FDEP have signed the agreement for EPC to address program petroleum cleanup sites in Manatee County as part of FDEP's new regional approach. FDEP is also increasing site assessments of contaminated sites throughout the state as part of a 5 year strategy to evaluate all petroleum sites. The combined program changes will increase funding and workload in Hillsborough County as well as Manatee County. EPC's tanks compliance contract was also received increased in funding and workload.

Financial Impact: No financial impact to ad valorem or general fund resources. Increases to EPC contract budgets will cover proposed resource increases.

Background: EPC has administered the Petroleum Cleanup and Compliance Programs for the Florida Department of Environmental Protection since 1987. The Programs are funded entirely through Grants with renewed annual task assignments. The positions will be permanent, but are directly tied to the continuance of available funding through the Grants and the Task Assignments. The expected funding increase is several hundred thousand dollars for the State fiscal year starting July 1, 2015. The Petroleum Programs provide significant and direct benefits to the residents of Hillsborough County providing protection to our groundwater resources and remediating contamination already present in our environment. Up to 5 technical positions may be needed to address the workload and will be forwarded to the BOCC for approval as funding is available and assured. EPC is seeking advanced support so that it may move quickly as funding and workload increase.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: APR 16, 2015

Subject: EPC Health and Safety Action Plan

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

Division: Waste Management

Recommendation: No recommendations, informational report only.

Brief Summary: This informational report updates the Board with regard to agency efforts to identify and improve employee health and safety practices and procedures.

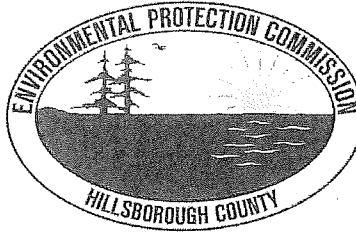
Financial Impact: No Financial Impact

Background: As part of the EPC's ongoing efforts to achieve excellence and improve the agency through the implementation of Sterling Management principles, the need to reevaluate and update health and safety practices and processes was identified as an opportunity for improvement (OFI) during the EPC's recent challenge review and strategic planning. In order to address this OFI, an agency Action Plan was assigned to identify gaps that may exist, identify and update all standard operating procedures, and ensure sufficient resources are available to address adequately health and safety issues.

Staff is providing an informational update to the Board with regard to findings of the Health & Safety Evaluation Action Plan and the agency's steps taken to identify and improve employee safety.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: APR 16, 2015

Subject: Intra-Agency Innovative Practices Sharing

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

Division: Waste Management

Recommendation: No recommendations. Informational report only.

Brief Summary: This informational report updates the Board with regard to agency efforts to improve efficiencies through the intra-agency sharing of innovative practices.

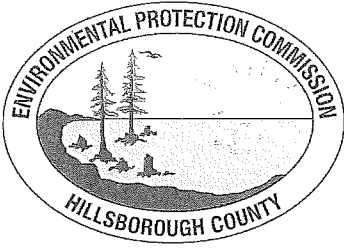
Financial Impact: No Financial Impact

Background: As part of the EPC's ongoing efforts to improve agency processes and efficiencies through the implementation of Sterling Management principles, an opportunity for improvement has been identified associated with the sharing of information related to innovative practices that are utilized within the various agency Divisions. In order to address this opportunity for improvement, an agency Action Plan was developed and the tasks included in the Action Plan have been completed.

Staff is providing an informational update to the Board with regard to the completion of this Action Plan and the agency's address of the opportunity for improvement.

List of Attachments: None

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: April 16, 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 commenced on March 3, 2015 and ends May 1, 2015. The EPC staff tracks dozens of environmental and administrative bills and relevant sections of the State budget. Staff will present a brief summary of environmental bills, including but not limited to bill regarding to Constitutional Amendment 1 and springs protection.

Financial Impact: No Financial Impact

Background:

The 2015 Florida Legislative Session commenced 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 bills of interest:

1) **WATER POLICY** (SB 918). Sponsored by the Senate's Environmental Preservation and Conservation Committee and Senator Dean. 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) that could not be resolved last session. This bill covers many failed issues from last session and many new concepts. Committee Substitute SB 918 has passed one committee and has two remaining. Among other things, it provides for the protection of springs and other water resources in Florida and creates a council to provide recommendations for funding water projects. The below list is a partial summary by Senate staff as to the key features of the bill mainly as it relates to springs protection:

- Changes the standard for minimum flows and levels (MFLs) in Outstanding Florida Springs (OFSS);
- Provides requirements for setting interim MFLs;

- Provides for the application of MFLs in other water management districts when withdrawals in those other districts affect an MFL outside of those districts;
- Creates the Florida Springs and Aquifer Protection Act;
- Provides findings, intent, and definitions;
- Directs the DEP, in coordination with the water management districts (WMDs), to delineate priority focus areas and provides deadlines and considerations;
- Provides requirements for the DEP or a WMD to establish interim MFLs or adopt MFLs and recovery or prevention strategies, as necessary, and provides deadlines;
- Provides requirements for revising MFLs under certain circumstances and provides deadlines;
- Provides minimum requirements for recovery or prevention strategies for OFSs;
- Provides for extensions for local government projects included in a recovery or prevention strategy;
- Directs the DEP to assess OFSs for impairment and provides requirements and deadlines;
- Provides for the adoption of basin management action plans (BMAPs), includes requirements for BMAPs for OFSs, and provides deadlines;
- Provides for the enforcement of BMAPs;
- Requires the adoption of fertilizer use ordinances by local governments under certain circumstances;
- Provides for the identification and assessment of onsite sewage treatment and disposal systems (OSTDSs) in OFSs and directs the development of OSTDS remediation plans as necessary;
- Directs the DEP to develop rules to fund pilot projects that address nutrient pollution or flows in Florida springs and provides deadlines;
- Directs the DEP to develop rules to evaluate, select, and rank projects for environmental improvement, and provides considerations and deadlines;
- Prohibits certain activities within priority focus areas;
- Directs the DEP to develop rules to create a program to improve water quantity and quality to administer the Florida Springs and Aquifer Protection Act;

This Senate bill does not appear to have a similar House companion, but HB 7003 has some similar concepts. There are many other water resource bills, but those mainly focus on consumptive uses (SB 1408 and HB 653), not water quality. SB 918 does not appear to impact EPC regulatory functions and mainly is focused on protection of larger springshed areas in North Florida. There are no first magnitude springs in Hillsborough but about six second magnitude springs (e.g. Sulphur Springs).

2) **AMENDMENT 1** (SB 586). The other large environmental focus of the session is on how to implement Florida Constitutional Amendment 1, which was approved by Floridians in the November 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 \$750 million annually. Some Legislators argue the funds are only for land acquisition and others assert it is for a mix of land acquisition and environmental improvement projects. Senator Charlie Dean proposed SB 586 and 584 (entitled "Implementation of The Water and Land Conservation Constitutional Amendment"). HB 1291 and HB 1295 are related bills.

3) **PERMITTING AND EXACTIONS** (SB 284). Sponsored by Sen. Diaz de la Portilla and HB 383. 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. The bill gives parties 90 days to file an administrative claim of an extortionate action (e.g. – an unreasonable permit conditions). If proved extortionate, then 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.

4) **HYDRAULIC FRACTURING.**

a. Hydraulic Fracturing - Permitting (SB 1468, HB 1205, and HB 1209) Sponsored by Senator Richter. Hydraulic fracturing (commonly referred to as “fracking”) generally involves the fracturing of rock by introducing pressurized liquid to extract petroleum and natural gas. Usually water is mixed with sand and chemicals and then the mixture is injected at high pressure below ground to create small fractures so that natural resources can be directed to a well and extracted. This bill proposes to empower the DEP to create a permitting program for fracking. The bill refers to it as high pressure well stimulation. Fracking is allowed currently in Florida, but there is no specific fracking permit process, just mining regulations (62C-25) that require notification of DEP of an entity’s intent to fracture.

b. Hydraulic Fracturing -Public Records Exemption (SB 1582) Sponsored by Senator Richter. The bill allows for mining companies to deem the chemicals they use for high pressure well stimulations (fracking) proprietary business information and thus be made confidential and exempt from public records laws (Chp. 119, F.S.).

c. Hydraulic Fracturing - Ban (SB 166) Sponsored by Senator Soto. This bill would ban fracking in Florida. It has not been heard in committee.

5) **CONTAMINATED SITES** (HB 841). Sponsored by Representative Brad Drake. HB 841 amends DEP cleanup laws regarding Global Risk-Based Corrective Action (Global RBCA). Among other things, it does not mandate meeting stricter cleanup target levels (CTLs) at a contaminated site (including brownfields) if certain human activity or natural background contamination have impacted the site; it allows the use of risk assessment modeling and probabilistic risk assessment to create site-specific alternative cleanup target levels; and it allows the use of alternative CTLs without institutional controls (e.g. – restrictive covenants) under limited circumstances. A second committee substitute is out of committees and is will be considered by the House.

6) **BROWNFIELDS TAX CREDIT.** The Florida House tax cut package has a \$12 million allocation to the Brownfield Voluntary Cleanup Tax Credit (VCTC) Program. This would help reduce the current VCTC backlog of payment requests due brownfield developers (currently about 200 applicants awaiting tax credits).

7) **LAND APPLICATION OF SEPTAGE** (HB 687). Sponsored by Rep. Brad Drake and SB 648 by Sen. Evers. Septage is the wastewater removed during the pumping or cleaning of a septic tank. Under current law, effective January 1, 2016, septage can no longer be disposed of by placing it on approved land application sites, as it is a source of water contamination. The bill delays that prohibition from January 1, 2016, to January 1, 2018, to allow facilities more time to find alternative disposal methods.

8) **WATER RESOURCES** (HB 7003). Sponsored by Appropriations Committee, State Affairs Committee, and Rep. Caldwell. HB 7003 is a bill that proposes, among other things, to take water quality regulatory power away from the DEP in an area north of the Everglades (Lake Okeechobee watershed) and allow the FL Department of Agriculture and Consumer Services (FDACS) to oversee water quality through the use of best management practices and other methods. This portion of the bill has drawn the ire of many environmental organizations. The bill also creates a springs protection program for “Priority

Florida Springs" which would include all first magnitude springs in the state and all second magnitude springs within state or federally owned lands purchased for conservation purposes. Much like last year's failed spring protection bills, the DEP would be charged with water quality enhancement and the Water Management Districts with improving water flow/quantity. The bill was quickly passed by the House, but is now moving slowly in Senate committees. It does not impact EPC functions.