

EPC COMMISSIONERS

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



Janet L. Dougherty
Executive Director

Richard Tschantz, Esq.
General Counsel

EPC MEETING AGENDA

October 15 at 9.a.m.

601 East Kennedy Boulevard, Tampa, FL

County Center Board Room 2nd Floor

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, and INVOCATION**
- 2. CHANGES TO THE AGENDA**
- 3. REMOVAL OF CONSENT AGENDA ITEMS FOR QUESTIONS, COMMENTS, or SEPARATE VOTE**
- 4. COMMENDATIONS or RECOGNITIONS**
- 5. PUBLIC COMMENT** (Three minutes are allowed for each speaker unless the Commission directs differently.)
- 6. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE UPDATE** (by CEAC Chair)
- 7. APPROVAL OF CONSENT AGENDA**

EPC AGENDA ITEMS:

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes – August 20, 2015..... 2
2. Monthly Activity Reports 7
3. FY2015 Pollution Recovery Fund Budget25
4. Monthly Legal Case Summary.....26
5. 2015 Third Quarter Action Plan Updates.....29
6. 2015 Performance Measure Goals41
7. Ambient Air Monitoring Near Mosaic’s Phosphogypsum Stack.....43

B. PUBLIC HEARINGS

1. Open Burning Rule Chapter 1-4, Revisions.....52

C. REGULAR AGENDA

Legal & Administrative Services Division

1. FY2015 EPC Annual Report.....60
2. EPC Staffing Report Update61
3. Executive Director Report

Water Management Division

4. Pollution Recovery Fund Grant Approvals for 2015-2016.....62

Air Management Division

5. Commissioner Murman Request: Update on EPA’s Ozone Standard67

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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Values: Environmental stewardship, fairness, and cooperation.

AUGUST 20, 2015 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, August 20, 2015, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Vice Chairman Victor Crist and Commissioners Kevin Beckner, Ken Hagan, Al Higginbotham, and Sandra Murman.

The following members were absent: Chairman Lesley Miller Jr. and Commissioner Stacy White.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION

Vice Chairman Crist called the meeting to order at 9:04 a.m. Commissioner Murman led in the pledge of allegiance to the flag and gave the invocation. Vice Chairman Crist praised Ms. Janet Dougherty, EPC Executive Director, and EPC staff for their response to the recent flooding challenges.

2. CHANGES TO THE AGENDA

Ms. Dougherty reviewed the changes to the agenda. **Commissioner Beckner moved the changes, seconded by Commissioner Murman, and carried five to zero.** (Chairman Miller and Commissioner White were absent.)

3. REMOVAL OF CONSENT AGENDA ITEMS FOR QUESTIONS, COMMENTS, OR SEPARATE VOTE - None.

4. COMMENDATIONS OR RECOGNITIONS - None.

5. PUBLIC COMMENT

Vice Chairman Crist summarized public comment procedures. EPC General Counsel Richard Tschantz made remarks. Hearing no response to the call for public comment, Vice Chairman Crist sought a motion to close that portion of the meeting. **Commissioner Murman so moved, seconded by Commissioner Beckner, and carried five to zero.** (Chairman Miller and Commissioner White were absent.)

6. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC) UPDATE

Attorney Tschantz noted the lack of recent CEAC activity. Mr. Jeffrey Stewart, CEAC, was present.

7. APPROVAL OF CONSENT AGENDA

EPC AGENDA ITEMS:

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - June 18 and June 24, 2015
2. Monthly Activity Reports
3. Pollution Recovery Fund
4. Legal Case Summary
5. University of South Florida (USF) Peer Review Contract Approval
6. Performance Measure Goals, Second Quarter Update
7. 2015 Action Plan Second Quarter Updates

Following comments, Vice Chairman Crist sought a motion to adopt the Consent Agenda. **Commissioner Beckner so moved, seconded by Commissioner Murman, and carried five to zero.** (Chairman Miller and Commissioner White were absent.)

B. PUBLIC HEARINGS

1. GF Financial LLC/LIST Developers LLC, Waste Management Rule Waiver Request

After Attorney Tschantz distributed information and confirmed the hearing had been properly noticed, Attorney Andrew Zodrow, EPC Legal Department, spoke on the item, as shown in background material. Responding to Vice Chairman Crist, Mr. Andrew Schipfer, EPC, touched on the site history. Vice Chairman Crist called for public comment; there was no response. **Commissioner Murman moved approval, seconded by Commissioner Beckner, and carried five to zero.** (Chairman Miller and Commissioner White were absent.)

C. REGULAR AGENDA

Water Management Division

1. Update on Completion of Fertilizer Rule Study and Peer Review

Mr. Thomas Ash, EPC, and Dr. James Mihelcic, USF, expounded on background material. Commissioner Beckner inquired about additional studies to weigh/show effectiveness of the ordinances, the amount of data used for water quality samples, and time frame for additional studies.

Waste Management Division

2. Status Update of Florida Department of Environmental Protection (FDEP) Petroleum Contracts and Positions

Mr. Schipfer delivered the presentation, as contained in background material. Commissioner Higginbotham asked about FDEP funding additional County staff working in Manatee County, project status, and grant time frame/employee awareness. Citing administrative questions, Commissioner Murman wanted future EPC budget amendments to go through the EPC before going to the Board of County Commissioners (BOCC). Following discussion, Mr. Schipfer responded to Commissioner Beckner on employee benefits included in the grant.

Wetlands Management Division

3. Final Order Vance vs. Vath and EPC (Case 15-EPC-001) Dock Permit Appeal

Attorney Rick Muratti, EPC Legal Department, spoke on the item, displayed images, and relayed staff recommendation to adopt the final order. **Commissioner Higginbotham so moved** and made remarks. **Commissioner Murman seconded the motion.** After inquiring about additional costs/penalties associated with obtaining after-the-fact dock construction permits, fee determinates, fees/penalties applied to the case, EPC fine purview, and creating substantial penalties to discourage violations, Commissioner Beckner requested staff bring back information on the

penalties. **The motion carried five to zero.** (Chairman Miller and Commissioner White were absent.)

Commissioner Murman wanted to waive some unauthorized dock penalties for after-the-fact owners. Dialogue ensued on deliberate dock violations, case procedure, and the maximum penalty amount. Commissioner Beckner asked for a two-year assessment of unpermitted dock cases. Talks followed on permit verification and State contractor requirements.

Wishing to provide an EPC vote to pass Item A-36, approve the budget amendment, and accept an additional \$774,595 for the FDEP petroleum contamination site cleanup management grant, which was approved at the August 19, 2015, BOCC regular meeting, Commissioner Higginbotham moved the EPC Board approve sending the item forward to the BOCC. After Attorney Tschantz clarified EPC approval was not required, Commissioner Higginbotham withdrew the motion.

Air Management Division

4. Request Public Hearing for Open Burn Rule (October EPC Meeting)

Mr. Reginald Sanford, EPC, touched on the item, as shown in background material. **Commissioner Murman moved approval, seconded by Commissioner Beckner, and carried five to zero.** (Chairman Miller and Commissioner White were absent.)

5. Final Report on Radon/Dust Monitoring from Mosaic Gypsum Stack - **Deferred to a subsequent meeting.**

Legal and Administrative Services Division

6. Budget Request

Ms. Dougherty introduced the item. Attorney Tschantz elaborated on background material and confirmed General Funds were the funding origin. Observing the County budget had been finalized, Commissioner Murman inquired on funding provision prior to approval. Discussion ensued on item clarification/deferment/closeup timing and funding sources/uses. After Vice Chairman Crist noted EPC voting procedures, Mr. Tom Fesler, Director, Management and Budget, responded on the budget request/time

frame. Subsequent to EPC option review, Commissioner Hagan supported the request to be added to the list of other changes the BOCC could potentially make to the budget and moving forward and the BOCC could discuss the budget request at that time, seconded by Commissioner Murman. Citing the item timing and fiscally conservative principles, Commissioner Higginbotham would not support the motion. The motion carried four to one; Commissioner Higginbotham voted no. (Chairman Miller and Commissioner White were absent.)

Executive Director Report

7. Outreach Update

Ms. Dougherty elaborated on background material and deferred to Dr. Scott Emery, Director, EPC Wetlands Management Division, who added remarks. Ms. Dougherty recognized EPC staff for flooding/outreach efforts.

8. Paladin Application

Ms. Dougherty distributed information and touched on the item. Comments followed.

There being no further business, the meeting was adjourned at 11:00 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

jh

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

AUG

A. ENFORCEMENT

1. New Enforcement Cases Received	-	
2. Enforcement Cases Closed	1	
3. Enforcement Cases Outstanding	12	
4. Enforcement Documents Issued	-	
5. Recovered Costs to the General Fund	\$ -	
6. Contributions to the Pollution Recovery Fund	\$ -	

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received	11	
a. Facility Permit	6	
(i) Types I and II	1	
(ii) Type III	5	
b. Collection Systems - General	1	
c. Collection systems-Dry Line/Wet Line	4	
d. Biosolids Disposal	-	
2. Permit Applications Approved	21	
a. Facility Permit	12	
b. Collection Systems - General	3	
c. Collection systems-Dry Line/Wet Line	3	
d. Biosolids Disposal	-	
e. Final Construction approval	3	
3. Permit Applications Recommended for Disapproval	-	
a. Facility Permit	-	
b. Collection Systems - General	-	
c. Collection systems-Dry Line/Wet Line	-	
d. Biosolids Disposal	-	
4. Permit Applications (Non-Delegated)	-	
a. Recommended for Approval	-	
5. Permits Withdrawn	-	
a. Facility Permit	-	
b. Collection Systems - General	-	
c. Collection systems-Dry Line/Wet Line	-	
d. Biosolids Disposal	-	
6. Permit Applications Outstanding		
a. Facility Permit	11	
b. Collection Systems - General	13	
c. Collection systems-Dry Line/Wet Line	6	
d. Biosolids Disposal	-	

7. Permit Determination	6
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	-
c. Others	-
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation	10
a. Inspection (CEI)	4
b. Sampling Inspection (CSI)	6
c. Toxics Sampling Inspection (XSI)	
d. Performance Audit Inspection (PAI)	
2. Reconnaissance	70
a. Inspection (RI)	12
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	57
d. Enforcement Inspection (ERI)	1
3. Engineering Inspections	12
a. Reconnaissance Inspection (RI)	4
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	-
e. Post Construction Inspection (XCI)	8
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received	2
a. Facility Permit	2
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
b. General Permit	-
c. Preliminary Design Report	1
(i) Types I and II	1
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	1
2. Permits Recommended to DEP for Approval	-
3. Special Project Reviews	1
a. Facility Permit	1
b. General Permit	-

4. Permitting Determination	-
5. Special Project Reviews	35
a. Phosphate	5
b. Industrial Wastewater	9
c. Others	21
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation (Total)	13
a. Inspection (CEI)	12
b. Sampling Inspection (CSI)	1
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	14
a. Inspection (RI)	2
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	12
d. Enforcement Inspection (ERI)	
3. Engineering Inspections (Total)	15
a. Compliance Evaluation (CEI)	15
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	70
(i) Received	46
(ii) Closed	24
b. Industrial	19
(i) Received	9
(ii) Closed	10
2. Warning Notices	
a. Domestic	4
(i) Issued	4
(ii) Closed	-
b. Industrial	1
(i) Issued	-
(ii) Closed	1
3. Non-Compliance Advisory Letters	9
4. Environmental Compliance Reviews	47
5. Special Project Reviews	14

G. RECORD REVIEWS

1. Permitting Determination	2
2. Enforcement	-

H. ENVIRONMENTAL SAMPLES

ANALYZED/REPORTS REVIEWED (LAB)

1. Air Division	40
2. Waste Division	-
3. Water Division	20
4. Wetlands Division	1
5. ERM Division	206
6. Biomonitoring Reports	-
7. Outside Agency	26

I. SPECIAL PROJECT REVIEWS

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

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

	<u>SEP</u>
A. ENFORCEMENT	
1. New Enforcement Cases Received	-
2. Enforcement Cases Closed	2
3. Enforcement Cases Outstanding	10
4. Enforcement Documents Issued	1
5. Recovered Costs to the General Fund	\$ -
6. Contributions to the Pollution Recovery Fund	\$ -
B. PERMITTING/PROJECT REVIEW - DOMESTIC	
1. Permit Applications Received	23
a. Facility Permit	4
(i) Types I and II	1
(ii) Type III	3
b. Collection Systems - General	11
c. Collection systems-Dry Line/Wet Line	9
d. Biosolids Disposal	-
2. Permit Applications Approved	22
a. Facility Permit	3
b. Collection Systems - General	9
c. Collection systems-Dry Line/Wet Line	4
d. Biosolids Disposal	-
e. Final Construction approval	6
3. Permit Applications Recommended for Disapproval	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
4. Permit Applications (Non-Delegated)	-
a. Recommended for Approval	-
5. Permits Withdrawn	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
6. Permit Applications Outstanding	38
a. Facility Permit	12
b. Collection Systems - General	15
c. Collection systems-Dry Line/Wet Line	11
d. Biosolids Disposal	-

7. Permit Determination	7
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	1
c. Others	-
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation	10
a. Inspection (CEI)	4
b. Sampling Inspection (CSI)	6
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	37
a. Inspection (RI)	7
b. Sample Inspection (SRI)	1
c. Complaint Inspection (CRI)	28
d. Enforcement Inspection (ERI)	1
3. Engineering Inspections	13
a. Reconnaissance Inspection (RI)	3
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	-
e. Post Construction Inspection (XCI)	10
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received	3
a. Facility Permit	3
(i) Types I and II	3
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
b. General Permit	-
c. Preliminary Design Report	-
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
2. Permits Recommended to DEP for Approval	1
3. Special Project Reviews	-
a. Facility Permit	-
b. General Permit	-

4. Permitting Determination	-
5. Special Project Reviews	36
a. Phosphate	3
b. Industrial Wastewater	12
c. Others	21
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation (Total)	7
a. Inspection (CEI)	6
b. Sampling Inspection (CSI)	1
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	19
a. Inspection (RI)	1
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	18
d. Enforcement Inspection (ERI)	
3. Engineering Inspections (Total)	3
a. Compliance Evaluation (CEI)	3
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	-
e. Enforcement Reconnaissance Inspections (ERI)	-
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints	
a. Domestic	46
(i) Received	19
(ii) Closed	27
b. Industrial	24
(i) Received	13
(ii) Closed	11
2. Warning Notices	
a. Domestic	6
(i) Issued	6
(ii) Closed	-
b. Industrial	1
(i) Issued	1
(ii) Closed	-
3. Non-Compliance Advisory Letters	10
4. Environmental Compliance Reviews	92
5. Special Project Reviews	23

G. RECORD REVIEWS

1. Permitting Determination	3
2. Enforcement	1

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

1. Air Division	58
2. Waste Division	-
3. Water Division	18
4. Wetlands Division	-
5. ERM Division	173
6. Biomonitoring Reports	-
7. Outside Agency	11

I. SPECIAL PROJECT REVIEWS

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

**EPC Wetlands Management Division
Backup AGENDA
August 2015**

Assessment Report

Agriculture Exemption Report

	# Agricultural exemptions reviewed	# isolated wetlands impacted	# acres of isolated wetlands impacted	# isolated wetlands qualify for mitigation exemption	# acres of wetlands qualify for mitigation exemption
August 2015	0	0	0.00	0	0.00
Since January 2008	7	8	1.03	7	1.03

Development Services Performance Report

# of Reviews	Timeframes met	Since April 2008
84	97%	98%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
August 2015	14	369	39	5	1.93
Since April 2008	856	16196	3706	291	56.69

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Total Impacts Approved Acreage	Impacts Exempt Acreage
August 2015	17	126	4	0.80	6.00	4.65
Since April 2008	1294	3352	296	65.82	147.57	87.50

Mitigation Sites in Compliance

17/20	85%
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Compliance/Enforcement Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored/Created
0.4	3.0	0.3

TPA Minor Work Permits

Permits Issued For August 2015	Permits Issued Fiscal Year 2015	Cumulative Permits Issued Since TPA Delegation (07/09)
29	308	1385

**WETLAND REPORT FOR REVIEW TIME 2015
(Overall Reviews)**

Month	# Of Reviews	% On Time	% Late
December			
November			
October			
September			
August	427	94%	6%
July	392	97%	3%
June	417	96%	4%
May	362	95%	5%
April	314	93%	7%
March	367	98%	2%
February	320	98%	2%
January	311	97%	3%

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
August 2015**

A. General	Totals
1. Telephone Conferences	537
2. Unscheduled Citizen Assistance	735
3. Scheduled Meetings	472
4. Correspondence	2458
5. Interagency Coordination	38
6. Trainings	10
7. Public Outreach/Education	1
8. Quality Control	14
B. Assessment Reviews	
1. Wetland Delineations	20
2. Surveys	18
3. Miscellaneous Activities in Wetland	21
4. Mangrove	4
5. Notice of Exemption	3
6. Impact/ Mitigation Proposal	6
7. Tampa Port Authority	99
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	2
10. On-Site Visits	83
11. Phosphate Mining	0
12. CPA	0
13. Pre-Applications	63
14. AG SWM	7
Planning Growth Management Review	
15. Land Alteration/Landscaping	0
16. Land Excavation	0
17. Rezoning Reviews	13
18. Site Development	27
19. Subdivision	34
20. Wetland Setback Encroachment	0
21. Easement/Access-Vacating	0
22. Agriculture Exemption	0
C. Investigation and Compliance	
1. Warning Notices Issued	5
2. Warning Notices Closed	4
3. Complaints Closed	46
4. Complaint Inspections	55
5. Return Compliance Inspections for open cases	35
6. Mitigation Monitoring Reports	5
7. Mitigation Compliance Inspections	29
8. Erosion Control Inspections	12
9. MAIW Compliance Site Inspections	5
10. TPA Compliance Site Inspections	19
11. Mangrove Compliance Site Inspections	0
12. Conservation Easement Inspection	8
D. Enforcement	
1. Active Cases	2
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	0
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	0
6. Administrative - Civil Cases Closed	0
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$150.00
9. Enforcement Costs Collected	\$0.00
E. Ombudsman	
1. Agriculture	4
2. Permitting Process & Rule Assistance	4
3. Citizen Assistance	2
4. Staff Assistance	3

**EPC Wetlands Management Division
Backup AGENDA
September 2015**

Assessment Report

Agriculture Exemption Report

	# Agricultural exemptions reviewed	# isolated wetlands impacted	# acres of isolated wetlands impacted	# isolated wetlands qualify for mitigation exemption	# acres of wetlands qualify for mitigation exemption
September 2015	0	0	0.00	0	0.00
Since January 2008	7	8	1.03	7	1.03

Development Services Performance Report

# of Reviews	Timeframes met	Since April 2008
88	98%	98%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
September 2015	19	982	171	10	1.52
Since April 2008	875	17178	3877	301	58.21

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Total Impacts Approved Acreage	Impacts Exempt Acreage
September 2015	14	109	4	0.69	0.87	0.23
Since April 2008	1308	3461	300	66.51	148.44	87.73

Mitigation Sites in Compliance

10/12	83%
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Compliance/Enforcement Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored/Created
0.66	0.0	0.303

TPA Minor Work Permits

Permits Issued For September 2015	Permits Issued Fiscal Year 2015	Cumulative Permits Issued Since TPA Delegation (07/09)
36	344	1421

**WETLAND REPORT FOR REVIEW TIME 2015
(Overall Reviews)**

Month	# Of Reviews	% On Time	% Late
December			
November			
October			
September	362	97%	3%
August	427	94%	6%
July	392	97%	3%
June	417	96%	4%
May	362	95%	5%
April	314	93%	7%
March	367	98%	2%
February	320	98%	2%
January	311	97%	3%

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
September 2015**

A. General	Totals
1. Telephone Conferences	465
2. Unscheduled Citizen Assistance	637
3. Scheduled Meetings	779
4. Correspondence	2746
5. Interagency Coordination	89
6. Trainings	19
7. Public Outreach/Education	1
8. Quality Control	14
B. Assessment Reviews	
1. Wetland Delineations	18
2. Surveys	12
3. Miscellaneous Activities in Wetland	17
4. Mangrove	19
5. Notice of Exemption	1
6. Impact/ Mitigation Proposal	7
7. Tampa Port Authority	82
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	0
10. On-Site Visits	109
11. Phosphate Mining	0
12. CPA	0
13. Pre-Applications	28
14. AG SWM	0
Planning Growth Management Review	
15. Land Alteration/Landscaping	0
16. Land Excavation	1
17. Rezoning Reviews	19
18. Site Development	30
19. Subdivision	47
20. Wetland Setback Encroachment	3
21. Easement/Access-Vacating	0
22. Agriculture Exemption	0
C. Investigation and Compliance	
1. Warning Notices Issued	7
2. Warning Notices Closed	14
3. Complaints Closed	22
4. Complaint Inspections	28
5. Return Compliance Inspections for open cases	43
6. Mitigation Monitoring Reports	3
7. Mitigation Compliance Inspections	18
8. Erosion Control Inspections	15
9. MAIW Compliance Site Inspections	13
10. TPA Compliance Site Inspections	35
11. Mangrove Compliance Site Inspections	0
12. Conservation Easement Inspection	37
D. Enforcement	
1. Active Cases	3
2. Legal Cases	1
3. Number of "Notice of Intent to Initiate Enforcement"	2
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	0
6. Administrative - Civil Cases Closed	1
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$2,030.00
9. Enforcement Costs Collected	\$362.00
E. Ombudsman	
1. Agriculture	0
2. Permitting Process & Rule Assistance	0
3. Citizen Assistance	0
4. Staff Assistance	4

AIR DIVISION ACTIVITIES
Monthly Input Report
FY15

	<u>AUG</u>	<u>SEP</u>
A. Public Outreach/Education Assistance		
1 Phone calls	184	131
2 Literature Distributed	3	12
3 Presentations	0	3
4 Media Contacts	0	1
5 Internet	67	48
6 Host/Sponsor Workshops, Meetings, Special Events	0	0
B. Industrial Air Pollution Permitting		
1 Permit Applications received (Counted by Number of Fees Received)		
a. Operating	4	11
b. Construction	1	4
c. Amendments / Transfers / Extensions	1	1
d. Title V Operating:	1	3
e. Permit Determinations	1	1
f. General	1	0
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	0	1
b. Construction ¹	8	8
c. Amendments / Transfers / Extensions ¹	4	1
d. Title V Operating ²	0	16
e. Permit Determinations ²	1	1
f. General	2	1
3 Intent to Deny Permit Issued	0	0
C. Administrative Enforcement		
1 New cases received	1	0
2 On-going administrative cases		
a. Pending	1	1
b. Active	6	3
c. Legal	0	0
d. Tracking compliance (Administrative)	7	10
e. Inactive/Referred cases	0	0
TOTAL	14	14
3 NOIs issued	2	0
4 Citations issued	0	0
5 Consent Orders Signed	0	3
6 Contributions to the Pollution Recovery Fund	\$0.00	\$4,000.00
7 Cases Closed	0	0

D. Inspections		
1 Industrial Facilities	7	10
2 Air Toxics Facilities		
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0	0
b. Major Sources	5	6
3 Asbestos Demolition/Renovation Projects	22	24
E. Open Burning Permits Issued	5	5
F. Number of Division of Forestry Permits Monitored	189	245
G. Total Citizen Complaints Received	49	54
H. Total Citizen Complaints Closed	19	49
I. Noise Complaints Received by EPC (Chapter 1-10)	33	17
J. Noise Complaints Received by Sheriff's Office (County Ord. #12-1	231	272
K. Number of cases EPC is aware that both EPC & Sheriff responded	2	1
L. List of Historical Sources EPC is aware that both EPC & Sheriff responded		
Twilight Zone		
Green Gators (2)		
Dixie Dockside		
South Fork - Construction Area Anti-Theft Alarm		
Taiga Lounge (3)		
18520 Ramblewood Rd		
Los Gorditos Bar & Grill(4)		
The Rack(3)		
Show-Me's AMG Hookah Bar		
One Blood Services Friedberg Residence		
PJ Dolan's Irish Pub Knanaya Catholic CC		
The Roundup(3) The River of Life Christian Center(2)		
M. Noise Sources Monitored:	2	4
N. Air Program's Input into Development Regional Impacts:	1	0
O. Test Reports Reviewed:	50	54
P. Compliance:		
1 Warning Notices Issued	4	3
2 Warning Notices Resolved	3	4
3 Advisory Letters Issued	2	3
Q. AOR'S Reviewed	18	1
R. Permits Reviewed for NESHAP Applicability	1	6
S. Air Program's Input into non-DRI Planning Documents	1	2

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 15 POLLUTION RECOVERY FUND
10/1/2014 through 9/30/2015**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 537,486	Artificial Reef	\$ 24,632	Minimum Balance	\$ 120,000	
Interest	\$ 5,090	Open Projects	\$ 285,733	Proj. FY 16 Budgets	\$ 24,632	
Deposits	\$ 254,042			Asbestos Removal	\$ 5,000	
Fund 10132 Balance	\$ 210,964					
Total	\$ 1,007,582	Total	\$ 310,365	Total	\$ 149,632	\$ 547,585



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			
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	\$ 32,980
Lake Magdalene Outfall	10131.102063.582990.5370.1178	\$ 50,000	\$ 50,000
		\$ 104,200	\$ 84,380
FY 15 Projects			
TBW Rock Ponds Wetland Restoration	10131.102063.582990.5370.1247	\$ 50,000	\$ 43,551
East Lake Watershed Edu. & Restorati	10131.102063.582990.5370.1249	\$ 5,012	\$ 5,012
		\$ 55,012	\$ 48,563

Date of EPC Meeting: October 15, 2015

Subject: Monthly Legal Case Summary – September and October 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
September and October 2015

I. ADMINISTRATIVE CASES

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 was assigned to a Hearing Officer to conduct an evidentiary hearing. An Administrative Hearing was conducted on June 1, 2015. A Recommended Order will be filed by the Hearing Officer in accordance with Chapter 1-2, Rules of the EPC. No exceptions were filed and the Final Order in this matter was rendered at the August 20, 2015 EPC Commission meeting. This case is closed. (AZ)

II. CIVIL CASES

U.S. Bankruptcy Court in re Jerry A. Lewis Adversary Proceeding [15-EPC-007]: An Adversary Proceeding pertaining to the ongoing Chapter 13 Bankruptcy Case regarding Jerry A. Lewis (see EPC Case No. LEPC09-011) was entered on October 9, 2013, in the U.S. Bankruptcy Court Middle District of Florida. EPC is defendant in the matter and will seek to protect a monetary judgment awarded to us by the Circuit Court. (AZ)

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 was set for early January 2015. The parties agreed at mediation to abate the litigation and continue to negotiate. Currently it is abated through mid-December. (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)

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.

Mark Walker [15-EPC-006]: On August 27, 2015, the Appellant filed a request for an extension of time to file an Appeal to challenge a MAIW Authorization for the construction of a dock. The request was granted and the Appellant has until October 1, 2015 to file an appeal in this matter. No Appeal was filed and the case is closed. (AZ)

Mark Walker [15-EPC-005]: On August 27, 2015, the Appellant filed a request for an extension of time to file an Appeal to challenge the issuance of General Permit #59239 for the construction of a dock. The request was granted and the Appellant had until October 1, 2015 to file an appeal in this matter. No Appeal was filed and the case is closed. (AZ)

Antonio Suarez [15-EPC-004]: On August 13, 2015, the Appellant filed a request for an extension of time to file an Appeal to challenge the issuance of General Permit #59239 for the construction of a dock. The request was untimely and an Order Denying the Request with Leave to Amend was issued. The Appellant had until September 1, 2015 to file an amended request. No request was filed and the case is closed. (AZ)



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: October 15, 2015

Subject: 2015 Third Quarter Action Plan Updates

Agenda Section: Consent Agenda

Item: Legal and Administrative Services Division

Recommendation: None – Informational Only

Brief Summary: Earlier this year EPC staff brought the finalized versions of the Agency's 2015 action plans to the Board for approval. These measurable action plans are divided into five individual initiatives which support the Agency's strategic priorities for calendar year 2015. The third quarter status reports are listed for all five.

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

Background: As part of the Agency's Sterling Management planning process and philosophy of continuous improvement, staff held a strategic planning retreat in December 2014. This included input from the Board and a broad range of EPC staff. Besides reviewing the priorities and guiding mission statements, staff also prepared a slate of new initiatives to improve the EPC's effectiveness and efficiency. Since the Agency started this formal procedure in 2010, they have completed some fifty-seven of these initiatives.

The five detailed action plans reflecting the Agency's strategic objectives for 2015 were brought to the Board and approved, and detailed outlines were provided at the April 2015 Board meeting. Each Agency initiative is described in an individual action plan with measurable goals. The attachment reflects the update on the status of each action plan as of the end of the third quarter of 2015. The owners of select action plans may be scheduled to present an overview of their project to the Board at regularly scheduled EPC Board meetings during the year.

Many of the action plans are considered critical to the Agency's long term goal to qualify as a Governor's Sterling Award winning organization, similar to what the County's Tax Collector has already achieved.

Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2015 Year End Goal	Status
1.3 Protection of Air Quality	Mercury in Fish Advisory	<p>Assemble a committee comprised of representatives from each division and assign specific tasks to complete the objective.</p> <p>Determine the basis used in developing advisory updates.</p> <p>If necessary, make case to the State DOH to update their advisory.</p>	<p>Completed. Made an early evaluation and determined that this action plan can be completed solely by the Plan Owner.</p> <p>Completed. Contacted the State DOH and determined the frequency of updates is based on monitoring locations and funding.</p> <p>Completed. Determined State DOH advisories are current, as of 2015.</p>



Contact DOH and offer to promote the existing 2015 DOH advisory and if necessary, evaluate the possibility of developing updating the EPC advisory

Completed. Contacted Deputy State toxicologist who explained that the existing brochures are sufficient and replication in the form of an EPC brochure would not be desired.

Make written recommendation to the Executive Director (ED) on whether to put out a new brochure

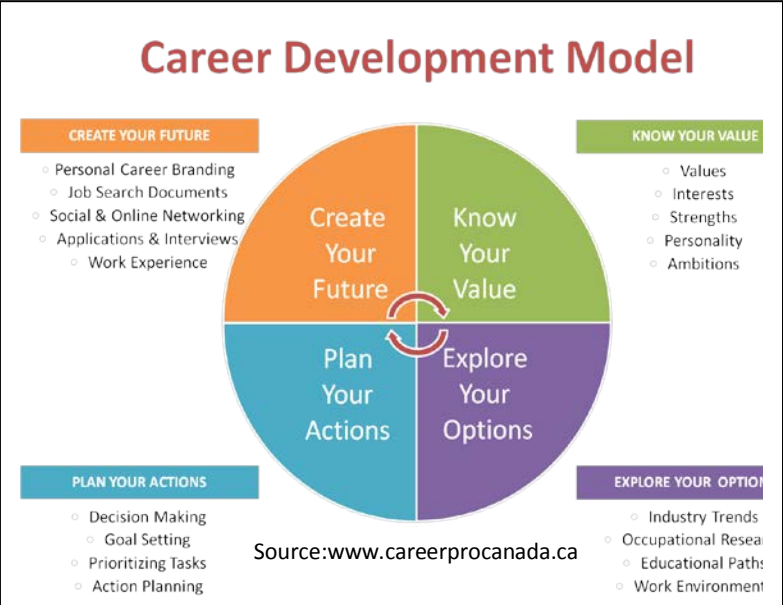
Completed. Recommended to ED not to develop EPC brochure, but use existing DOH brochure and replicate it.

Based on the DOH and ED's response, update EPC advisory brochures to reflect latest fish testing data or take action to promote 2015 DOH advisory.

Completed. ED approved the DOH brochure replication up to a \$1,000 total expenditure. No EPC brochure will be developed.

Based on the ED's response, contact doctor's offices and interested groups to distribute and promote new brochures.	10/2015
Based on the ED's response 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.	10/2015
Make Board presentation (if, desired).	11/2015 - 12/15
Closeout Action Plan.	12/2015

Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2015 Year End Goal	Status
<p>2.1 Successful / Engaged Workforce / Employee Training</p>	<p>Career Development Program</p>	<p>Convene Staff Development & Training (SD&T) Committee</p>	<p>Complete. SDTC have met several times to define action plan objective, steps of process, and metrics for the action plan.</p>
 <p style="text-align: center;">Source: www.careerprocanada.ca</p>	<p>Initiate former focus group meetings</p>	<p>Committee summarizes suggestions / ideas from focus groups</p>	<p>Complete. Seven focus group sessions were held from August 11th through September 10th. Two of the groups consisted of supervisors only.</p>
			<p>In Progress. SDTC is scheduled to meet October 13th to discuss</p>


feedback applicable for
career development
opportunities

common trends,
evaluate potential
options for programs to
present to senior staff.

Benchmark external
agency's Career
Development programs
(Step 4)

In Progress. Met with
reps from several
agencies to discuss
their career
development programs
and options.
Additional
opportunities for
benchmarking are
being researched and
pursued.

Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2015 Year End Goal	Status
<p>2.2 Successful / Engaged Workforce / Employee Satisfaction</p>	<p>Roger P. Stewart Building Renewal Project</p>	<p>Form a multi-divisional/agency wide committee whose purpose is to research and develop a plan to update the RPS Building.</p>	<p>Complete. Committee members from several divisions and Code Enforcement representative met April 2015.</p>
	<p>Submit work requests to HC Facilities.</p>		<p>Complete. 7 work requests for repainting/cleaning submitted and scheduled.</p>

Identify needed improvements and summarize in a report.

Ongoing. List of needed improvements compiled.

Develop and deploy employee questionnaire #1 for prioritization of all improvements and summarize results.

Ongoing. Paint color for Main Conference Room chosen by majority vote. Additional questionnaires to be deployed.

Research building modifications permitted by HC Real Estate & Facilities.

Complete. To be itemized within final report.

Develop plans for identified improvements to the RPS Building based on prioritization.

Ongoing. To be explained in final report.

Proposed improvement plans to be released agency wide.

Ongoing. Presented in final report.

Perform fiscal analysis to determine FY 15-16 budget. Implement any small scale improvements within current budget.

Complete. Funds not designated for improvements.

Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2015 Year End Goal	Status
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3.1 - Customer Service	EcoCommunity Maps	Interview and place interns each semester.	We are currently working with two Summer Interns and two from Spring who have stayed on.
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Get input from public.

We have made several attempts to get feedback from the public: Facebook, TBEP updates, and email sharing. Need to pursue other avenues

Fill GIS FTE

GIS position is currently being advertised.

Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2015 Year End Goal	Status
<p>4.1 Fiscal Responsibility/Responsible Budgeting</p>	<p>Return On Investment (ROI) Culture Training</p>	<p>Develop List of Resources for ROI Evaluations.</p>	<p>Researched ROI calculator and ROI certification program options.</p>
	<p>Identify and assemble Agency Workgroup.</p>	<p>Identify and assemble Agency Workgroup.</p>	<p>Complete: Workgroup members identified; held initial meeting on August 20, 2015.</p>
		<p>Customize ROI Calculator</p>	<p>Workgroup identified benefit and cost avoidance categories to incorporate in ROI Calculator tool.</p>

Determine ROI
training methods and
resources

Continued research on
certifications and
training pathways.

Develop staff training
plan.

To be completed
following Workgroup
comments on EPC ROI
Calculator.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: October 15, 2015

Subject: Select Performance Measure Goals for 2015

Agenda Section: Consent Agenda

Item: Executive Director Report

Recommendation: None – Informational Only

Brief Summary: As part of the Sterling Management process, the Agency measures key activities and has set goals for 2015. These are tabulated and periodically presented to the Board in the consent agenda.

Financial Impact: No Financial Impact.

Background: The Agency measures performance for all five of its core functions. These core functions include permitting, compliance assurance, citizen support, enforcement, and ambient air & water quality monitoring. As part of the Agency's annual evaluation, staff sets goals for select activities and reports them periodically to the Board. This is an integral part of the continuous improvement required by Sterling.

2015 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2012	2013	2014	2015 YTD (3 rd Qtr)	2015 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	36 days	29 days	20 days	18 days	Less Than or Equal to 35 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	43 days	46 days	55 days	47 days	Less Than or Equal to 55 days
	Average Time EPC Permits were In-house	21 days	16 days	17 days	19 days	23 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	98% 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%

Date of EPC Meeting: October 15, 2015

Subject: Ambient Air Monitoring near Mosaic's Phosphogypsum Stack

Agenda Section: Consent Agenda

Item: Air Management Division

Recommendation: None – Informational Only

Brief Summary: In fulfillment of Development of Regional Impact (DRI) #242, EPC was contracted by Mosaic to conduct ambient air monitoring for dust and radon gas near their phosphogypsum stack in Riverview. EPC Air Management staff monitored for dust from 2003-2007 and concluded the gypsum stack added no significant dust to current County levels. In 2010, staff contracted with the Florida Department of Health (FDOH), Bureau of Radiation Control to conduct a radon gas study around the stack and three surrounding schools. The results of initial study indicated that there were no elevated readings at any of the schools. The results of both studies were presented at the August 2011 EPC Board Meeting. The Board received the report, but requested that another round of monitoring be performed for both dust and radon to further confirm the conclusions from the studies. Therefore, additional monitoring for each was performed and the results confirmed the original studies that indicated the stack operations were not significantly impacting the local area in regards to dust or radon.

Financial Impact: No Financial Impact.

Background: In June 2000, under resolution #R00-111, DRI #242 was established to allow Mosaic to expand their phosphogypsum system with specific conditions. One specific condition of the Development Order required Mosaic to conduct ambient air monitoring related to the gypstack expansion east of US Hwy 41 in Riverview. Mosaic was required to install and operate ambient air dust samplers and radon gas monitors, and if the monitoring results indicated a violation of any applicable air quality standard, Mosaic was required to mitigate the situation. EPC Air Management Division was later contracted by Mosaic to meet the air monitoring condition.

In 2003, ambient air dust samplers were placed at two local schools for a period of five years. Results from the monitoring indicated that there was no statistically significant difference in concentration of ambient air particulates between the two air monitoring stations located at the schools and the other existing monitoring sites in Hillsborough County. At the request of the Board in August 2011, additional dust sampling was performed at the closest school (Progress Village Middle School) for an additional 6 month period in 2012. Those results, in combination with the data from the continuous stationary monitor located directly south of the stack, confirmed the conclusions from the initial study.

In 2010, EPC contracted with the FDOH, Bureau of Radiation Control to conduct ambient air radon gas study in the same areas. The monitoring locations included 16 sites around the stack, three schools, and a control site about 4 miles east of the stack. Two 90-day monitoring periods were performed, and the results did not indicate any elevated readings at any of the schools. At the request of the Board in August 2011, additional radon sampling was performed at the same locations for four 90-day monitoring periods in 2012-2013. The results showed minor increases from the original study, most likely due to seasonal variations since the second study included more winter months which are typically higher. However, the results still indicated that generally low radon levels exist around the area, and the schools again had readings lower than the control site over 4 miles away. The FDOH report concluded that: "*None of the measurements taken in this project constituted remedial actions ...*".

AMBIENT AIR MONITORING NEAR MOSAIC'S PHOSPHOGYPSUM STACK



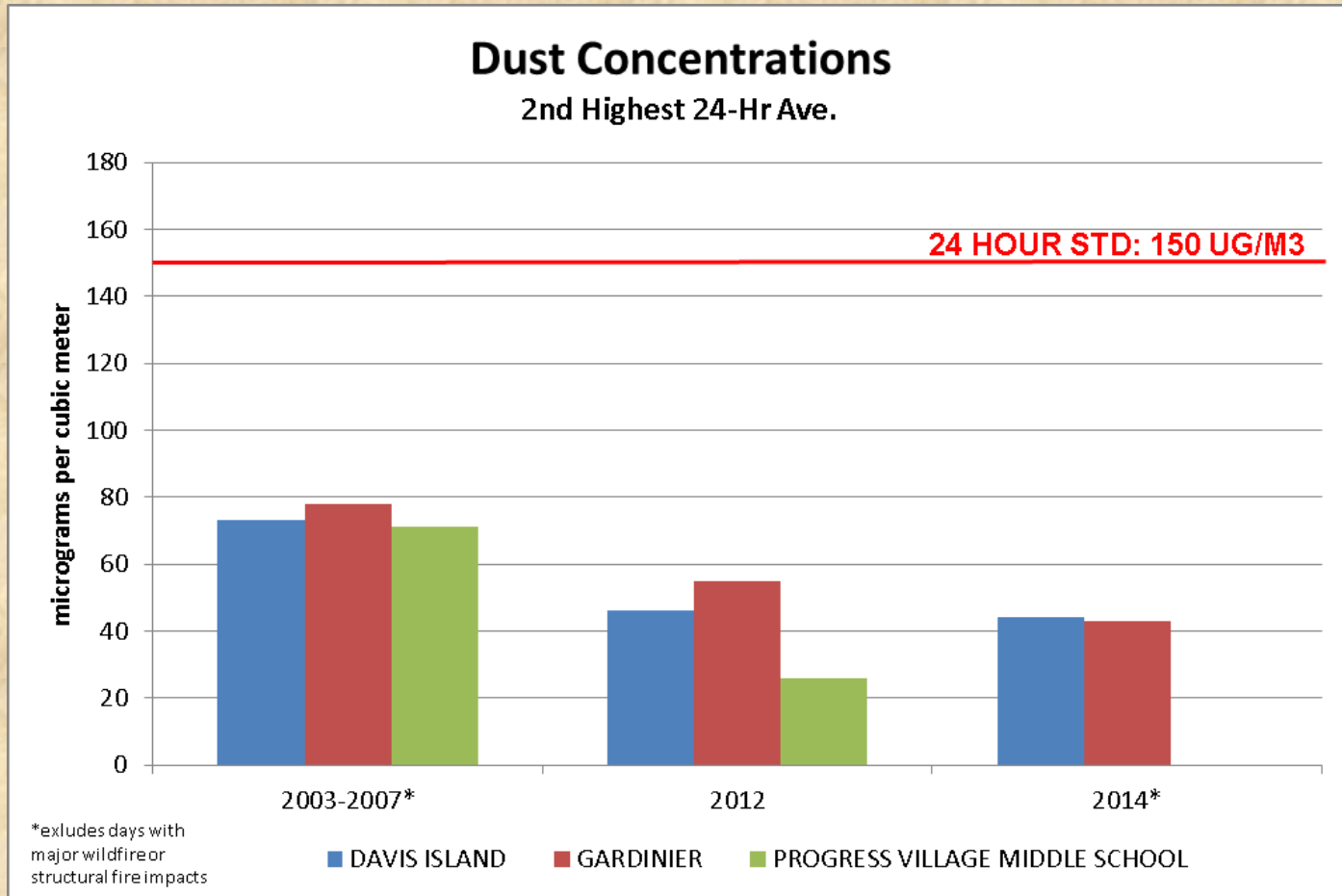
DEVELOPMENT OF REGIONAL IMPACT (DRI)

- ❖ DRI is a development having a widespread impact on the community
- ❖ DRI #76 (1984) – Gypstack on east side of US41
- ❖ DRI #242 (2000) – Expand stack height
 - Condition A.8.a – Conduct dust and radon monitoring
- ❖ Approx. \$110,000 provided by Mosaic for studies
- ❖ Dust (2003-07) and radon (2010) studies conducted ... studies showed no significant impacts from stack

DUST MONITORING SITE MAP

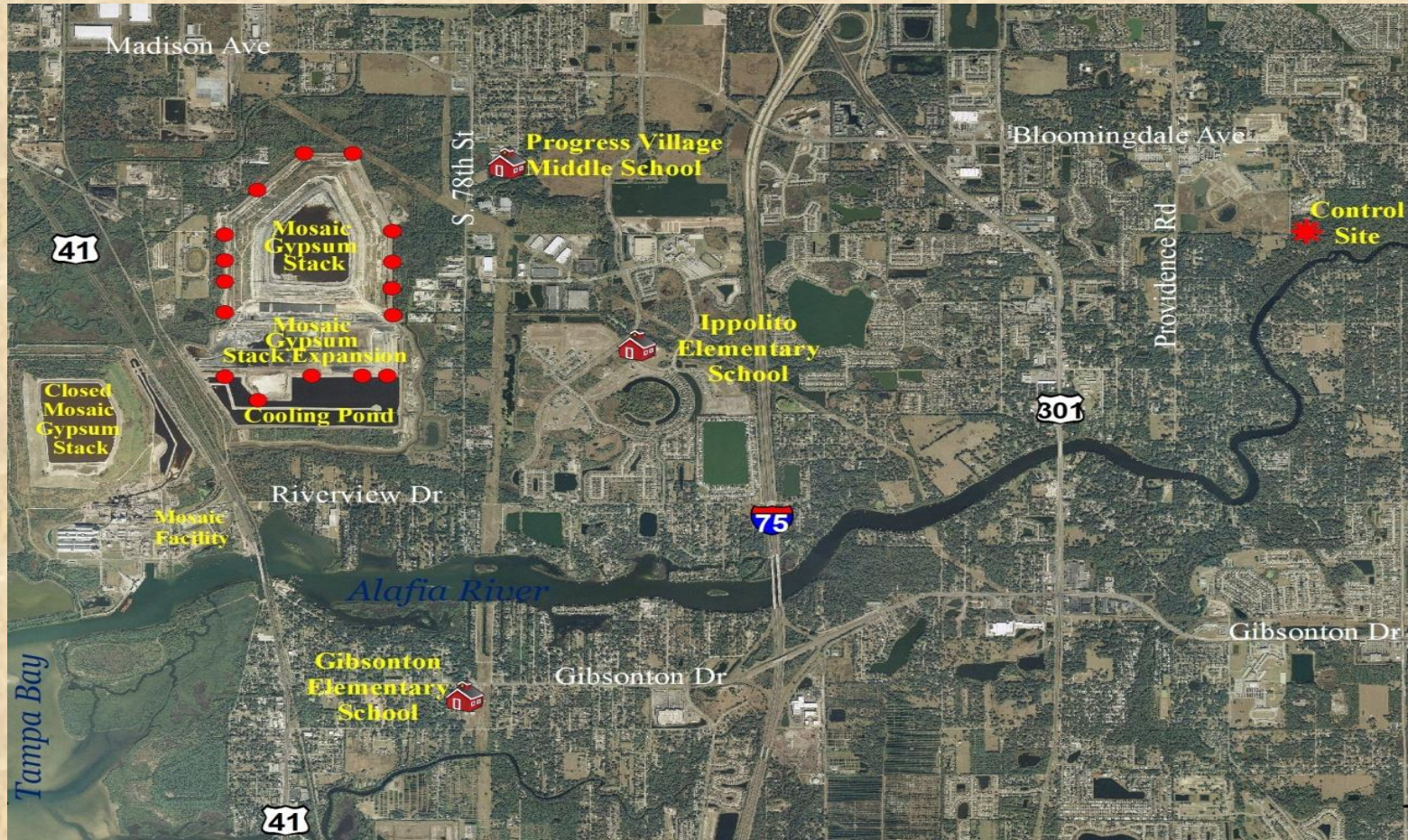


DUST MONITORING RESULTS



The additional dust monitoring in 2012 showed no notable impact at the school from the gypstack

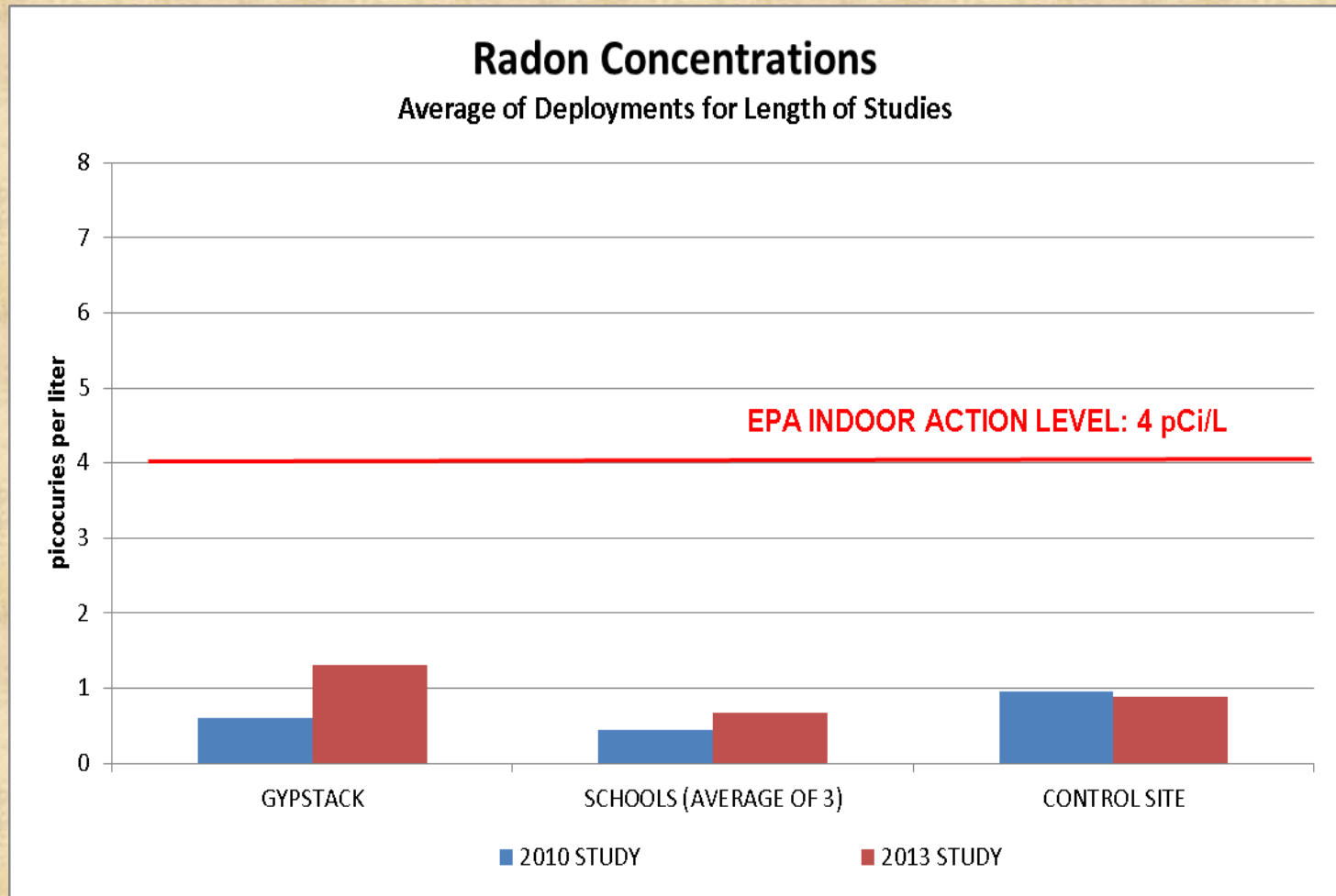
RADON MONITORING SITE MAP



- ❖ Four rounds of monitoring were conducted starting in 2012 that spanned 13 months
- ❖ 16 sites around the gypstack were selected along with the 3 subject schools and a control site

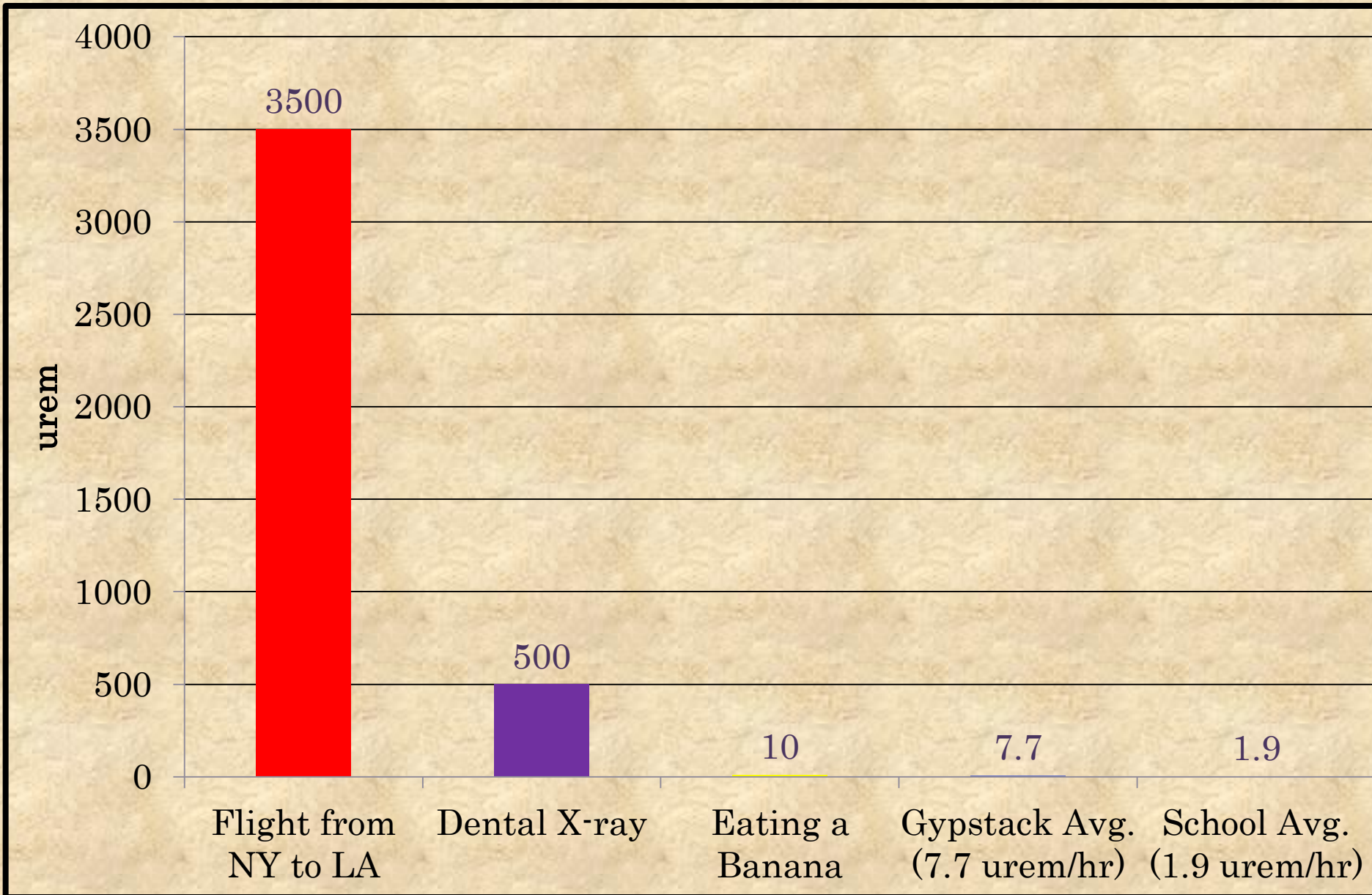


RADON MONITORING RESULTS



Note: Small changes from two studies, primarily attributed to additional seasonal influences reflected in second study.

RELATIVE GAMMA DOSES FROM RADIATION SOURCES



Note: Gamma measurements at gypstack and schools decreased an average of 56%

CONCLUSIONS

- ❖ Based on the initial and follow-up studies, the results do not indicate any elevated readings at any of the schools

FDOH Bureau of Radiation Control:

“None of the measurements taken in this project constituted remedial actions as recommended by various public health agencies. They are generally low compared to background levels in most of the country.”



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: October 15, 2015

Subject: Public Hearing to Approve Revision of Chapter 1-4, Open Burning Rule

Agenda Section: Public Hearing

Item: Air Management Division

Recommendation: Hold a public hearing and approve revisions to Chapter 1-4, Open Burning

Brief Summary: Pursuant to the EPC Act, the Commission must hold a noticed public hearing to approve, repeal or amend a rule. Since the open burning rules were last updated several rule citations and cross references have become obsolete, and some state requirements have changed. Staff has conducted a consistency review of State and local references, conducted technical and public workshops and drafted a revised Chapter 1-4, Open Burning Rule for consideration and approval by the Commission.

Financial Impact: Minor cost for new public information signage.

Background: Chapter 1-4, Rules of the EPC, explains how a person can conduct open burning in Hillsborough County under most circumstances. The Hillsborough County Environmental Protection Act (EPC Act) grants the EPC the power to regulate open burning. Pursuant to amended legislation, in 2012 Florida Forestry Services (FFS) delegated certain open burning regulatory powers to the EPC that normally would be conducted by FFS with oversight from the Florida Department of Environmental Protection. These agreements allow EPC staff to define parameters for open burning, respond to nuisance burning complaints and grant commercial burning authorizations. The last revision of the EPC's open burning rule occurred in 1998. Since that time the rule has become outdated due to changes to State rules which are now incorrectly cited in Chapter 1-4; changes to state definitions; and the improper citation of EPC's authority to regulate.

In August of this year the EPC Board authorized staff to review the rule for consistency with State and local regulations, identify obsolete citations that may no longer be needed, recommend any areas within the rule for streamlining and develop a draft rule revision reflecting clarity, consistency and accuracy. EPC staff has completed the rule review, conducted a technical meeting with government burning authorities, presented a draft to the Citizen's Environmental Advisory Committee, and conducted two public workshops. As the rule sections were reorganized to make it easier to understand, it has been entirely rewritten (see attached), as opposed to just having strike-through and underline format. While it is an entire rewrite, the draft revision contains minimal changes outside of the required State updates. Significant changes included:

- an increased burning setback distance from airport runways;
- no burning under power lines or overhanging limbs;
- applicants must maintain a burn logbook on site;
- new signage requirements for EPC authorizations (EPC will provide the first sign free of charge); and
- mineral operations may now receive 4, 90-day authorizations per year, thus reducing their burden

List of Attachments: Proposed revision of Chp. 1-4, Rules of the EPC

The EPC open burning regulatory partners (FFS, DEP, and the fire departments of Hillsborough County, City of Tampa, Plant City, and Temple Terrace) have commented and participated throughout the revision process and endorse the proposed draft revision.

Pursuant to Section 5(2) of the EPC Act, the Commission must hold a noticed public hearing to adopt or amend a rule. The EPC staff requests that the Commission adopt the attached proposed rule revision during a public hearing at the regularly scheduled meeting on October 15, 2015.

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-4
OPEN BURNING**

- 1-4.01** Intent
- 1-4.02** Definitions
- 1-4.03** Open Burning Not Allowed
- 1-4.04** Open Burning Allowed
- 1-4.05** General Requirements for EPC-
Authorized Open Burning and
for Recreational Open Burning
- 1-4.06** EPC Open Burning
Authorizations for Land
Clearing Activities

1-4.01 INTENT

Chapter 1-4 is intended to regulate open burning in order to protect air quality and to implement Ch. 84-446, Laws of Florida, as amended (EPC Act). EPC regulates open burning in Hillsborough County pursuant to the EPC Act and as delegated by the Florida Forest Service (FFS) pursuant to Section 590.125, Florida Statutes (F.S.), through an interagency agreement with the Florida Forest Service.

Section History - adopted xx/xx/xx and effective xx/xx/xx.

1-4.02 DEFINITIONS

The following words, phrases, or terms when used in this rule shall, unless the content otherwise indicates, have the following meaning:

(a) "Air curtain incinerator (ACI)" is a portable combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain. In addition to a pit, an air curtain incinerator can also be configured as an above-ground box, with or without refractory lining, with a manifold maintaining a curtain of air over the box. An air curtain incinerator operated at a

property for less than six months is considered open burning for purposes of this rule.

(b) "Contained" open burning means recreational burning that is contained by a fire ring made of metal or rock, a grill, chiminea, screened fire pit, or other similar device that physically limits the spread of a small, recreational fire.

(c) "EPC" is the Environmental Protection Commission of Hillsborough County.

(d) "Executive Director" is the Environmental Director of the EPC as described in the EPC Act.

(e) "Extinguished" means the absence of any glowing coals, glowing embers, visible flames, smoke, emissions, flaming combustion, or surface combustion.

(f) "Garbage" means all kitchen waste, table food waste, animal waste, or vegetative waste that is attendant with or results from the storage, packaging, preparation, cooking or handling of food materials.

(g) "Land clearing debris" is uprooted or cleared vegetation resulting from a land clearing operation, including any untreated wood generated by the land clearing operation (e.g., untreated fence posts).

(h) "Land clearing operation" means the initial uprooting or clearing of vegetation and untreated wood for residential, commercial, or industrial development; mineral operations; clearing of rights-of-way for public highways or roads; and clearing of vegetation by a government or its agent for public flood control and water drainage channels. It does not include landscaping and yard maintenance operations or other such routine property cleanup activities.

(i) "National Weather Service Air Stagnation Advisory" is an advisory issued by the National Weather Service to caution local and regional agencies of meteorological conditions which are conducive to poor dispersion and are expected to persist for at least 36 hours.

(j) "Occupied building" means any building that serves as a residence, meeting place, or place of business.

(k) "Open burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

(l) "Pile burning" is the open burning of any land clearing debris originating on site that has been stacked on top of the ground.

(m) "Recreational open burning" means the open burning of vegetative debris and untreated wood in contained fires or campfires for noncommercial preparation of food, recreational purposes, ceremonial occasions, burning in an outdoor fireplace or other outdoor heating or noncommercial cooking device, or an open burn on cold days for warming of outdoor workers.

(n) "Sunset" is the official time the sun will set as set forth by the U.S. Naval Observatory (tables are available at National Weather Service offices and on the internet at the USNO's website).

(o) "Trash" means materials resulting from the construction, renovation, or demolition of a structure, and other debris such as paper, cardboard, packing material, cloth, glass, street sweepings, vehicle tires, and other like matter. The term does not include garbage (as defined herein), untreated wood, or vegetative debris.

(p) "Treated wood" means wood coated or infused with paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate (CCA), or other wood preservatives or treatments.

(q) "Tree cutting debris" is debris consisting of trees, tree stumps, and tree limbs resulting from a tree removal or tree trimming operation.

(r) "Untreated wood" means wood (including lighter pine, tree trunks, limbs and stumps, shrubs, and lumber) which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate (CCA), and other wood preservatives or treatments.

(s) "Waste pesticide containers" means any containers made of combustible materials, including but not limited to paper,

plastic, or burlap, which formerly contained pesticides and which the manufacturer or formulator provided as an end user conveyance for the specified product.

(t) "Yard waste" (also referred to as "Yard Trash" in Chapter 5I-2, Florida Administrative Code [F.A.C.]) means vegetative matter resulting from landscaping and yard maintenance operations and other such routine property clean-up activities. It includes materials such as leaves, shrub trimmings, grass clippings, palm fronds, and brush. It does not include land clearing debris or tree cutting debris.

Section History - adopted xx/xx/xx and effective xx/xx/xx.

1-4.03 Open Burning Not Allowed

The following open burning activities are prohibited unless otherwise allowed in this rule or preempted by State law:

(a) General Prohibition. No person shall ignite, cause to be ignited, or permit to be ignited any material which will result in any prohibited open burning as regulated by this rule and the EPC Act; nor shall any person suffer, allow, conduct, or maintain any prohibited open burning.

(b) All residential open burning is prohibited including burning of yard waste, tree cutting debris, household garbage, and trash.

(c) Open burning of the following materials is prohibited: biological waste, hazardous waste, asbestos-containing materials, mercury-containing devices, pharmaceuticals, tires, rubber material, residual oil, used oil, asphalt, roofing material, tar, treated wood, plastics, yard waste, tree cutting debris, garbage, or trash.

(d) Additionally, EPC-authorized open burning for land clearing pursuant to Section 1-4.06 of this rule is not allowed during any one of the adverse conditions listed below. Persons burning or allowing burning are required to confirm (e.g. phone, email website, etc.) that these conditions are not occurring before conducting a burn.

(1) If the National Weather Service issues an Air Stagnation Advisory;

(2) If the Florida Forest Service has determined weather conditions are unfavorable for safe burning;

(3) If any authority having jurisdiction bans open burning; or

(4) If EPC suspends open burning due to pollutant levels that are elevated or forecast to be elevated or if deemed a nuisance under the EPC Act.

(e) Nothing in this rule shall relieve any person from complying with any other applicable laws, rules or ordinances.

Section History - adopted xx/xx/xx and effective xx/xx/xx.

1-4.04 Open Burning Allowed

(a) Open burning resulting from land clearing associated with the following projects is allowed if authorized by the Executive Director or designee in accordance with Section 1-4.06 of this rule and if not prohibited by Section 1-4.03 or any other law:

(1) Initial clearing of vegetation for residential, commercial, and industrial development;

(2) Initial clearing for mineral operations;

(3) Clearing and maintenance of rights-of-way by a government or its agents for public highways or roads;

(4) Clearing and maintenance by a government or its agents for public flood control and water drainage channels.

(b) Open burning associated with agricultural activities is regulated solely by the FFS pursuant to the requirements of Rule 5I-2, F.A.C. This includes but is not limited to the following:

(1) Prescribed burns for fire hazard reduction or for habitat/ecosystem management and restoration;

(2) Silvicultural operations;

(3) Range improvement and maintenance of agricultural lands for the grazing of animals;

(4) Initial land clearing for agriculture or other agricultural purposes.

(c) The following types of open burning are allowed without EPC or Florida Forest Service authorization (persons

burning should confirm that the FFS does not require authorization), as long as they are conducted in accordance with the laws of all authorities having jurisdiction over open burning:

(1) Recreational Open Burning.

Recreational open burning is allowed if it is in compliance with the EPC Act and this rule. Other authorities having jurisdiction in Hillsborough County (e.g. municipalities) may require written authorization for some types of recreational open burning.

(2) Open Burning for the Training of Fire Fighting. Open burning for the training of fire fighting is allowed if in compliance with Rule 62-256.700(4), F.A.C., and other applicable laws. The requirements of Rule 62-256.700(4), F.A.C., are adopted by reference and are enforceable by the EPC. The EPC, as well as the Florida Forest Service and the Department of Environmental Protection (DEP), shall be notified in writing at least 10 business days in advance for burning of structures not on the premises of a certified training center.

(3) Open Burning of Storm-Generated Debris. Open burning of storm-generated debris (defined as vegetative debris and untreated wood) by a government or its agent is allowed if in compliance with Rule 62-256.700(8), F.A.C., and other applicable laws. The requirements of Rule 62-256.700(8), F.A.C., are adopted by reference and are enforceable by the EPC. Nonetheless, no pile burning of storm-generated debris is allowed, unless authorized by State emergency order. The local government shall provide written notice to EPC as well as the DEP.

(4) Open burning of materials resulting from agricultural activities as follows:

(i) Open burning of waste pesticide containers in accordance with Rule 62-256.700(5), F.A.C. For purposes of this rule, pesticide is defined in Rule 62-256.200, F.A.C.

(ii) Open burning of animal carcasses in accordance with Rule 62-256.700 (6), F.A.C., and Rule 5I-2.006(12), F.A.C.

(iii) Open burning of insect or disease infested vegetation in accordance with Rule 62-256.700(9), F.A.C., and Rule 5I-2.006(12), F.A.C.

(iv) Open burning of polyethylene agricultural plastic; damaged, nonsalvageable untreated wood pallets; and packing material that cannot feasibly be recycled in accordance with Section 403.707(2)(e), F.S.

Section History - adopted xx/xx/xx and effective xx/xx/xx.

1-4.05 General Requirements for EPC-Authorized Open Burning and for Recreational Open Burning

All open burning in Hillsborough County that is authorized by the EPC for land clearing operations and all recreational open burning that is allowed pursuant to Section 1-4.04(c)(1) of this rule shall comply with the following general requirements:

(a) The open burning shall not produce excessive smoke, soot, odors, or visible emissions so as to cause a nuisance as defined in the EPC Act.

(b) The open burning shall be physically attended at all times, and the person conducting the burning shall have the means to extinguish the fire.

(c) Open burning shall not be conducted under power lines or low hanging tree limbs.

(d) The open burning shall not occur within 2,500 feet of any active runway owned by the Hillsborough County Aviation Authority, unless the Aviation Authority has been contacted and provides written agreement to the EPC that the proposed activity shall not have an adverse impact on any airport operations. Regardless of the distance, the open burning shall not reduce visibility for pilots or air traffic controllers at any of the Aviation Authority airports.

(e) If any open burning constitutes a nuisance under the EPC Act, the EPC may require the person conducting the burn to temporarily cease the burning until the burning is brought back into compliance.

Section History - adopted xx/xx/xx and effective xx/xx/xx.

1-4.06 EPC Open Burning Authorizations for Land Clearing Activities

(a) Procedures for Obtaining Authorization.

(1) All applications and applicable fees (see Chapter 1-6) shall be submitted to the EPC for authorization to conduct open burning for land clearing as defined in Section 1-4.02(h) of this rule. Application forms are maintained by the EPC. Failure to submit the appropriate fee is grounds for denial of the application.

(2) Following a site inspection, if the applicant meets all rule criteria, the Executive Director or designee shall issue written authorization to the applicant to conduct open burning in accordance with the conditions of authorization and this rule. No open burning may commence prior to receipt of written authorization.

(3) Open burning of initial land clearing debris may be authorized for 30 calendar days. The applicant must apply in writing to the EPC at least 3 days prior to expiration of the authorization to request an additional 15-day extension.

(4) Upon submittal of a complete application to the EPC, as described in this section, pile burning of initial land clearing debris related to mineral operations may be authorized for 90 calendar days and upon written request to the EPC prior to expiration of the initial authorization or subsequent renewal the authorization may be renewed for three additional 90-day periods in one 12-month period of time.

(5) Adequate signage shall be posted on site at the applicant's expense. The sign shall include the EPC authorization type, EPC name, EPC telephone number, and a statement to contact EPC regarding any questions or concerns. The signs shall be posted so as to be legible from the nearest public roadway(s) and also posted at all primary entrances and exits to the site. The posted signs must be no smaller than 24

inches by 36 inches. The signs shall be posted prior to initiating any open burn activities at the site, and shall remain posted until completion of all open burn activities. The applicant shall remove all signage at the conclusion of open burn activities.

(6) Exceptions to the setback requirements in Sections 1-4.06(b)(1) and (5) for pile burning and 1-4.06(c)(1) and (5) for air curtain incinerators may be granted by the Executive Director or designee if the applicant obtains a signed affidavit from affected residents within the setback area waiving all objections to the open burning associated with the land clearing operation. The applicant must provide written notice of the signed affidavit, specifically referencing this rule and EPC, to all registered Neighborhood Organizations within one mile of the proposed burn site. EPC staff will not authorize any open burning until copies of each notice and the signed affidavits are received and reviewed by EPC staff.

(b) Requirements for Pile Burning.

In addition to the requirements of other laws and rules, including section 1-4.05, the following conditions also apply to pile burning:

(1) Open burning shall be set back at least 100 feet from any public roadway, and smoke from the burn shall not obscure visibility on roadways.

(2) Open burning shall be conducted between the hours of 9:00 a.m. and one hour before sunset. The burn shall be completely extinguished one hour before sunset. A record of open burning shall be maintained at the burn site that documents the daily start time and the time the burn was extinguished. The record shall be maintained on site throughout the duration of the permit.

(3) Material to be burned shall be dry and free of dirt prior to commencing the open burning.

(4) Open burning shall be conducted on the site where the material is generated.

(5) Open burning shall be set back at least 1,000 feet from any occupied

building and 100 feet from wild lands, brush, or combustible structures.

(6) The Executive Director or designee may include conditions in the authorization that restrict the size and number of piles or require other limitations or restrictions depending on site-specific conditions to protect health, safety, and welfare.

(7) Prior to burning each day, the authorized burner shall provide notice to FFS and the County or municipalities' fire dispatch in the jurisdiction where the burn is authorized.

(c) Requirements for Burning with an Air Curtain Incinerator.

In addition to the requirement of other laws and rules, including section 1-4.05, the following conditions also apply to burning with an ACI:

(1) Open burning shall be set back at least 100 feet from any public roadway, and smoke from the burn shall not obscure visibility on roadways.

(2) Open burning shall be conducted between the hours of 9:00 a.m. and one hour before sunset. The burn shall be completely extinguished one hour before sunset. A record of open burning shall be maintained at the burn site that documents the daily start time and the time the burn was extinguished. The record shall be maintained on site throughout the duration of the permit.

(3) Material to be burned shall be dry and free of dirt prior to commencing the open burning.

(4) Only kerosene, diesel fuel, drip torch fuel, untreated wood, virgin oil, natural gas, or liquefied petroleum gas shall be used to start the fire in the ACI. Used oil, chemicals, gasoline, or tires shall not be used to start the fire.

(5) The ACI shall be set back at least 300 feet from any occupied building and 50 feet from wild lands, brush, or combustible structures.

(6) All pit walls of the ACI shall be vertical and maintained for the duration of the authorized period so that combustion of the land clearing debris

within the pit will be maintained at an adequate temperature and with sufficient air recirculation to provide enough residence time and mixing for proper combustion and control of emissions. If the ACI employs an earthen trench, the interior pit width (as measured by the direction of the air flow) shall not exceed 12 feet.

(7) Material shall not be loaded into the ACI such that it protrudes above the level of the air curtain in the pit.

(8) Ash shall not be allowed to build up in the pit of the ACI to higher than 1/3 the pit depth or to the point where ash begins to impede combustion, whichever occurs first.

(9) Visible emissions from the ACI shall not exceed 10% opacity, 6-minute average, except for up to 30 minutes during periods of start up when visible emissions up to 35% opacity, 6-minute average, shall be allowed.

(10) Open burning shall be conducted on the site where the material is generated, except that, in the case of a linear right-of-way, the site includes any and all locations within a one-mile span of the right-of-way.

(11) The Executive Director or designee may include conditions in the authorization that restrict the size and number of ACIs or require other limitations or restrictions depending on site-specific conditions to protect health, safety, and welfare.

(12) Prior to burning each day, the authorized burner shall provide notice to FFS and the County or municipalities' fire dispatch in the jurisdiction where the burn is authorized.

(13) For ACIs that are at one location for more than six months, in the event that no stationary source permit is required by the DEP, those ACIs shall be required to obtain authorization from the Executive Director or designee to operate the ACI. Such ACIs shall be subject to this rule, including but not limited to Sections 1-4.03(d), 1-4.05, and 1-4.06(c) of this rule, and shall also include conditions for annual

visible emissions testing, record keeping, maintenance, and material throughput.

Section History - adopted xx/xx/xx and effective xx/xx/xx.

Rule History:

Adopted 3/11/87

Amended 4/13/88

Amended 3/24/93

Amended 6/22/94

Amended 3/19/98

Amended via complete re-write on xx/xx/xx

Date of EPC Meeting: October 15, 2015

Subject: Executive Director's 2015 Annual Agency Report

Agenda Section: Regular Agenda

Item: Executive Director Report

Recommendation: Receive report and provide guidance as necessary.

Brief Summary: The Executive Director will be delivering a report in the form of a presentation. This presentation will cover the state of the environment in 2015 and highlight some of the staff's activities. In particular, the report will emphasize EPC's value added to the community. Information will include air and water quality data as well as environmental trends.

Financial Impact: No Financial Impact.

Background: This annual report is an attempt to update the Board on environmental conditions within the County as it relates to air and water quality. Significant events will be mentioned and some trends detailed. This report is typically delivered in the fall and repeated at various speaking engagements throughout the rest of the year.

Date of EPC Meeting: October 15, 2015

Subject: EPC Staffing Report

Agenda Section: Regular Agenda

Item: Executive Director Report

Recommendation: Informational Report

Brief Summary: At the September 17, 2015 Budget Workshop, the it was requested by the BOCC that EPC conduct a review and present a Staffing Report to the Commission. The Executive Director has conducted her review and will present the Staffing Report to the Commission.

Financial Impact: No Financial Impact.

Background: At the September 17, 2015 Budget Workshop, the it was requested by the BOCC that EPC conduct a review and present a Staffing Report to the Commission. The Executive Director has conducted her review and will present the Staffing Report to the Commission.

Date of EPC Meeting: October 15, 2015

Subject: Approval of 2015 Pollution Recovery Fund Grant Projects

Agenda Section: Regular Agenda

Item: Water Management Division

Recommendation: Recommend: 1) Concurrence with EPC Staff and CEAC to fund Tampa Bay Watch - McKay Bay South Oyster Reef Community Construction Project for \$48,010; Tampa Bay Estuary Program - Tampa Bay Dredged Hole Habitat Assessment for \$35,880; Keep Tampa Bay Beautiful - Trash Free Waters for \$30,000; Hillsborough County Economic Development - Agriculture Pesticide Collection for \$40,000; University of South Florida - Determining Sources and Risk of Fecal Pollution in Tampa Bay Tributaries for \$50,000; and Sea and Shoreline LLC - Little Manatee River SAV Restoration Project for \$45,832 for a total of \$249,722.00 of Pollution Recovery Funds. 2) Staff also recommends that the Commission authorize the Chair, on a continuing basis, to execute the approved PRF agreements in substantially the same format as the form PRF Agreement drafted by the Legal Department and that the EPC Chair, after staff consultation, may execute future amendments that involve non-material changes or reasonable deadline extensions as may be necessary from time to time. The minor amendments will not involve changes in funding.

Brief Summary: EPC staff and CEAC have reviewed the Calendar Year 2015 Pollution Recovery Fund project applications. Each application is reviewed for legal sufficiency (compliance with the EPC Act and Chapter 1-9 Rules of the EPC) and technical merit (can the project be permitted, and is it based on sound scientific knowledge). A total of 7 applications were received this year. Both EPC staff and CEAC are recommending approval of 6 projects for funding as described above and in the attached project summary list.

Financial Impact: Financial Impact to Pollution Recovery Fund is \$249,722.00 to be paid out of existing funds.

Background: EPC staff and CEAC have reviewed the Calendar Year 2015 Pollution Recovery Fund project applications. Each application is reviewed for legal sufficiency (compliance with the EPC Act and Chapter 1-9 Rules of the EPC) and technical merit (can the project be permitted, and is it based on sound scientific knowledge). A total of 7 applications were received this year. Both EPC staff and CEAC are recommending approval of 6 projects for funding as described above and in the attached project summary list.

EPC staff also recommends that the Commission authorize the Chair, on a continuing basis, to execute the approved PRF agreements in substantially the same format as the form PRF Agreement drafted by the Legal Department and that the EPC Chair, after staff consultation, may execute future amendments that involve non-material changes or reasonable deadline extensions as may be necessary from time to time. The minor amendments will not involve changes in funding.

2015 Project Requests for Pollution Recovery Funds

A15-01 Tampa Bay Estuary Program Bay Mini-Grants

Applicant: **Tampa Bay Estuary Program**

Project Details TBEP will create a special habitat restoration category for three grants of up to \$10,000 each in 2016 should PRF funding be approved. PRF funds will be used to support a habitat restoration grant project in Hillsborough County. Typically Bay Mini-Grant restoration project expenditures include budgeted items for salary or overhead costs, materials or supplies, contractor services (such as removal of large invasive trees), printing or website design, signs, plants or other items necessary to complete the restoration work.

PRF Request: \$10,000.00

Project Manager: Misty Cladas

Total Cost: \$75,000.00

Phone: 727-893-2765

EPC Staff Recommendation: **Denial**

Staff Notes:

CEAC Recommendation **Denial**

CEAC Notes:

A15-02 Agriculture Pesticide Collection

Applicant: **Hillsborough County via Hillsborough County Economic Development**

Project Details Pesticides will be collected from farms throughout Hillsborough County. The collection will occur at the County contracted Hazardous Waste Collection Provider site. The intent of this program is to eliminate potential public health and environmental hazards from the long term storage of cancelled, suspended, and unusable agricultural pesticides. Some of these materials are very old and may be in containers that are deteriorating. Some, such as chlordane and DDT, are so toxic to humans and hazardous to the environment that they are no longer allowed to be used. PRF funds will only be used for collection and disposal fees for agricultural pesticides. Applicant funds will be used for personnel time, printing of marketing and educational materials.

PRF Request: \$40,000.00

Project Manager: Simon Bollin

Total Cost: \$43,070.80

Phone: 813-276-2735

EPC Staff Recommendation: **Approve**

Staff Notes:

CEAC Recommendation **Approve**

CEAC Notes:

A15-03 Determining Sources and Risk of Fecal Pollution in Tampa Bay Tributaries

Applicant: **University of South Florida**

Project Details Project proposes to use microbial source tracking (MST) to determine the dominant sources of fecal pollution in several Hillsborough County water bodies that are known to have high FIB levels. Samples will be tested for bacterial and viral pathogens, and nutrient levels. Multivariate statistical analysis will be used to determine correlations among MST "markers" (genes of host-associated microorganisms), pathogens, and nutrient levels in water and sediments. Risk to human health from recreation in these water bodies will be calculated using risk assessment tools.

PRF Request: \$50,000.00

Project Manager: Valerie J. Harwood

Total Cost: \$50,000.00

Phone: 813-974-6229

EPC Staff Recommendation: **Approve**

Staff Notes:

CEAC Recommendation **Approve**

CEAC Notes:

2015 Project Requests for Pollution Recovery Funds

A15-04 Trash Free Waters

Applicant: **Keep Tampa Bay Beautiful**

Project Details The Trash Free Waters Initiative will directly address litter and debris removal found in residential storm water discharge. Project will conduct water based projects to restore the polluted Hillsborough River and Alafia River and their tributaries to their pristine state. The activities include land and water based litter and debris abatement projects. Keep Tampa Bay Beautiful plans to purchase materials for water based cleanups including waders, water gloves, long reach grabbers, nets, grappling hooks, buckets and other tools essential to removing litter. Keep Tampa Bay Beautiful will also contract with the University of Georgia and Sky Temple Corporation to create a litter removal application and to update the Keep Tampa Bay Beautiful website to make volunteer registration and data tracking easier.

PRF Request: \$30,000.00

Project Manager: Christina Arenas

Total Cost: \$80,000.00

Phone: 813-221-8733

EPC Staff Recommendation: **Approve**

Staff Notes:

CEAC Recommendation **Approve**

CEAC Notes:

A15-05 Tampa Bay Dredged Hole Habitat Assessment

Applicant: **Tampa Bay Estuary Program**

Project Details This project will assess the current ecological value of an identified polluted area that has recently been restored through the strategic filling of a dredged hole. This project fits into a larger effort to study 10 dredged holes in Tampa Bay to assess their current ecological value and to make management recommendations for future restoration or protection. Funding has been secured to study 9 holes. PRF funding would fund the 10th hole - McKay Bay.

PRF Request: \$35,880.00

Project Manager: Lindsay Cross

Total Cost: \$485,380.00

Phone: 727-893-2765

EPC Staff Recommendation: **Approve**

Staff Notes:

CEAC Recommendation **Approve**

CEAC Notes:

A15-06 McKay Bay South Oyster Reef Community Construction Project

Applicant: **Tampa Bay Watch, INC**

Project Details This project will install approximately 3,500 linear feet of new oyster shell bars and four circular oyster beds along the southwestern shoreline of McKay Bay to create a greater surface area for settling oyster larvae and create habitat niches for other benthic organisms. Additionally, this project will improve long-term water quality conditions through natural biological filtration services that oyster provide. The proposed project will also benefit the Tampa Bay community by promoting environmental stewardship while offering hands-on opportunities to participate in Tampa Bay habitat restoration activities.

PRF Request: \$48,010.00

Project Manager: Serra Herndon

Total Cost: \$270,883.00

Phone: 727-867-8166

EPC Staff Recommendation: **Approve**

Staff Notes:

CEAC Recommendation **Approve**

CEAC Notes:

2015 Project Requests for Pollution Recovery Funds

A15-07 Little Manatee River SAV Restoration Project

Applicant: **Sea & Shoreline LLC**

Project Details This project shall enhance aquatic habitat in the Little Manatee River by restoring submerged aquatic vegetation and measuring the effectiveness of two unique planting methods. Tape grass (*Vallisneria americana*) shall be reintroduced into the LMR through GrowSAV Herbivory Exclusion Cages and mechanical planting. Data collected shall be compiled and used to create in-situ expansion rates, GIS expansion maps, and statistically determine the effectiveness of the two planting technologies.

PRF Request: \$45,832.00

Project Manager: Carter Henne

Total Cost: \$57,032.00

Phone: 863-412-8275

EPC Staff Recommendation: **Denial**

Staff Notes:

CEAC Recommendation **Approve**

CEAC Notes:

Number of Applications: **7**

Total Amount Requested: **\$259,722.00**

PRF Application Score Sheet – 2015

EPC Ranked Review Criteria Score	Project	Applicant	Funds Requested	Comments
57	A15-06 McKay Bay South Oyster Reef Community Construction Project	Tampa Bay Watch	\$48,010.00	Project will install 3,500 linear feet of new oyster shell bars and four circular oyster beds along the southwestern shoreline of McKay Bay to create a greater surface area for settling oyster larvae and create habitat niches for other benthic organisms.
52	A15-05 Tampa Bay Dredged Hole Habitat Assessment	Tampa Bay Estuary Program	\$35,880.00	Project will assess the current ecological value of an identified polluted area that has recently been restored through the strategic filling of a dredged hole in McKay Bay.
52	A15-04 Trash Free Waters	Keep Tampa Bay Beautiful	\$30,000.00	Project will purchase materials for water-based volunteer cleanup events including waders, water gloves, long reach grabbers, nets, grappling hooks, buckets and other tools essential to removing litter.
52	A15-02 Agriculture Pesticide Collection	Hillsborough County Economic Development	\$40,000.00	Program provides a means to collect and dispose of agricultural pesticides; this will be the fourth of a series of successful events funded through PRF.
48	A15-03 Determining Sources and Risk of Fecal Pollution in Tampa Bay Tributaries	USF/Valerie Harwood	\$50,000.00	Project will use microbial source tracking to determine the dominant sources of fecal pollution in several Hillsborough County water bodies that are known to have high fecal indicator bacteria levels.
45	A15-07 Little Manatee River SAV Restoration Project	Sea and Shoreline LLC	\$45,832.00	Project will restore Tape grass (<i>Vallisneria americana</i>) and measure the effectiveness of two unique planting methods in the Little Manatee River.
31	A15-01 Tampa Bay Estuary Program Bay Mini-Grants	Tampa Bay Estuary Program	\$10,000.00	TBEP will create a special habitat restoration category for three grants of up to \$10,000 each in 2016 to support a habitat restoration grant project in Hillsborough County.

Date of EPC Meeting: October 15, 2015

Subject: Update on EPA's Ozone Standard

Agenda Section: Regular Agenda

Item: Air Management Division

Recommendation: Receive brief informational report requested by Commissioner Murman.

Brief Summary: On November 14, 2014 EPA proposed to strengthen the national standard for ground level concentrations of the air pollutant ozone. They proposed a range of values and took public comment. On October 1, 2015 they finally set the standard and staff will present a brief informational summary on it's effect on Hillsborough County. Hillsborough County does meet the new standard, thus there should be minimal impact unless air quality degrades.

Financial Impact: No Financial Impact.

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

On October 1, 2015 EPA once again tightened the ozone standard based on health studies. They took it from 75 parts per billion (PPB) over eight hours to just 70 PPB. So while Hillsborough was meeting the seventy-five standard, the question is whether we will meet the more stringent one. The answer is yes. The latest design value for Hillsborough County used to determine attainment with the new standard is 69 PPB. This is less than seventy, thus if our ozone readings don't increase, we will be able to avoid additional air pollution controls. These controls could be cleaner gasoline for our vehicles as well as tighter emission standards for industry.

EPC will continue to monitor air quality and keep the Board advised.