

**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**

*December 17 at 9:00 a.m.*

601 East Kennedy Boulevard, Tampa, FL

County Center Board Room 2<sup>nd</sup> 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 – October 15, 2015..... 2
2. Monthly Activity Reports ..... 6
3. FY2015 Pollution Recovery Fund Budget ..... 22
4. Monthly Legal Case Summary – Nov. & Dec..... 23
5. Request for Authority to Take Appropriate Legal Action Regarding Wastewater Violations  
at Little Manatee Isles Mobile Home Park ..... 25
6. Wetland Mitigation Project Transfer of Pollution Recovery Funds and Delegate to Executive Director ... 28
7. Include EQ Florida as additional Grantee to PRF Agreement for Agriculture Pesticide Collection ..... 29

**B. PUBLIC HEARINGS**  
(NONE)

**C. REGULAR AGENDA**

1. Morris Bridge Sink Water Use Permit Intent to Issue ..... 30
2. Sterling Employee Survey Results ..... 32
3. Strategic Planning for 2016 and Proposed Commission Calendar ..... 33

**D. COMMISSIONERS SECTION**

1. Hydraulic Fracturing and 2016 Legislation ..... 34

**E. EXECUTIVE DIRECTOR'S REPORT**

**ADJOURN**

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.

Visit our website at [www.epchc.org](http://www.epchc.org)

Values: Environmental stewardship, fairness, and cooperation.

OCTOBER 15, 2015 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, October 15, 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 Victor Crist (arrived at 9:05 a.m.), Al Higginbotham, Sandra Murman, and Stacy White.

The following members were absent: Commissioners Kevin Beckner and Ken Hagan.

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

▶ Chairman Miller called the meeting to order at 9:02 a.m. Commissioner White led in the pledge of allegiance to the flag and gave the invocation.

2. CHANGES TO THE AGENDA

▶ Ms. Janet Dougherty, EPC Executive Director, reported Item C-5, update on the EPC ozone standard, would be heard after Item B-1, open burning rule, Chapter 1-4, revisions. **▶ Commissioner White moved the changes, seconded by Commissioner Murman, and carried four to zero.** (Commissioner Crist had not arrived; Commissioners Beckner and Hagan were absent.)

3. REMOVAL OF CONSENT AGENDA ITEMS FOR QUESTIONS, COMMENTS, OR SEPARATE VOTE

▶ Ms. Dougherty stated Item A-7, ambient air monitoring near the Mosiac phosphogypsum stack, would be removed from the Consent Agenda and heard after Item B-1. Chairman Miller sought a motion. **▶ Commissioner Murman so moved, seconded by Commissioner White, and carried five to zero.** (Commissioners Beckner and Hagan were absent.)

4. COMMENDATIONS OR RECOGNITIONS - ▶ None.

5. PUBLIC COMMENT - ▶ None.

6. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC) UPDATE

▶ Mr. Jason Gorrie, CEAC chairman, reviewed recent CEAC activities.

7. APPROVAL OF CONSENT AGENDA

EPC AGENDA ITEMS:

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - August 20, 2015
2. Monthly Activity Reports
3. Fiscal Year (FY) 2015 Pollution Recovery Fund (PRF) Budget
4. Monthly Legal Case Summary
5. 2015 Third Quarter Action Plan Updates
6. 2015 Performance Measure Goals

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

7. Ambient Air Monitoring Near the Mosiac Phosphogypsum Stack

▶ Mr. Jeff Sims, EPC, distributed information and gave a presentation, as contained in background material. ▶ Responding to Ms. Dougherty, Chairman Miller agreed the presentation should be made available at community meetings.

B. PUBLIC HEARINGS

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

▶ Ms. Dougherty introduced the item. Subsequent to EPC General Counsel Richard Tschantz confirming meeting notification and rule change procedures, ▶ Mr. Reginald Sanford, EPC, supplied information and relayed the presentation, as shown in background material. Chairman Miller called for public comment; there was no response. ▶ After Attorney Tschantz pointed out a grammatical change in the revision, Chairman Miller stated the change would be included in the motion as a scrivener's error. Commissioner Crist questioned the importance of dirt content in a burning pile. Commissioner Higginbotham asked about possible effects to agriculture permits/burns. In answer to Commissioner Murman, Mr. Michael

Hudkins, Hillsborough County Fire Rescue (Fire Rescue), noted controlled burn permits/requirements. Commissioner Murman requested Communications and Digital Media to make that information available in rural areas and on the County website. ▶ Commissioner Crist wanted language to opt out fire pit usage from the revisions. Attorney Rick Muratti, EPC Legal Department, clarified County/EPC fire pit regulation differences. Commissioner Higginbotham confirmed EPC fire pit exemption and enforcement/penalties and commented on missing Boardroom equipment. Commissioner White desired further fire management discussions between the Hillsborough County Fire Marshal and the Board of County Commissioners.

▶ **Commissioner Murman moved approval of the revisions, Chapter 1-4, to the open burning with the scrivener's error, seconded by Commissioner White, and carried five to zero.** (Commissioners Beckner and Hagan were absent.)

C. REGULAR AGENDA

Legal and Administrative Services Division

1. FY 2015 EPC Annual Report

▶ After recognizing Ms. Maria Klunk, Board Services, Clerk of the Circuit Court, on her retirement, ▶ Ms. Dougherty supplied information and delivered the report, as contained in background material.

2. EPC Staffing Report Update

▶ Ms. Dougherty distributed data and gave a presentation, as shown in background material. Chairman Miller praised EPC efforts. Commissioner Higginbotham left the meeting at 10:02 a.m.

3. Executive Director Report

▶ Ms. Dougherty dispersed documentation, reviewed background material, and congratulated the Air Management Division for the Clean Air Fair and the Community Engagement Award.

Water Management Division

4. PRF Grant Approvals for 2015-2016

▶ Mr. Thomas Ash, EPC, submitted information and relayed the presentation, as displayed in background material. ▶ **Commissioner Murman moved approval of the recommendations for all the projects, seconded by Commissioner**

**White, and carried four to zero.** (Commissioner Higginbotham had left the meeting; Commissioners Beckner and Hagan were absent.) Mr. Ash requested the EPC authorize the Chairman to execute the grant agreements and make nonmaterial changes. **▶ Commissioner Murman moved approval of both recommendations, seconded by Commissioner White, and carried four to zero.** (Commissioner Higginbotham had left the meeting; Commissioners Beckner and Hagan were absent.) Ms. Dougherty noted upcoming events, thanked staff/EPC Board for work on the EPC budget, and touched on the EPC Wetlands Division Director hiring status.

Air Management Division

5. Commissioner Murman Request: Update on U.S. Environmental Protection Agency Ozone Standard

▶ Agreeing to work with County staff to publicize open burning rules, Ms. Dougherty deferred to Mr. Jerry Campbell, Director, EPC Air Management Division, who distributed information and gave a presentation, as contained in background material. ▶ Commissioner Murman asked about Congressional changes to ozone standards and EPC monitoring procedures.

▶ There being no further business, the meeting was adjourned at 10:12 a.m.

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

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: \_\_\_\_\_  
Deputy Clerk

jh

**FY 16 - MONTHLY ACTIVITIES REPORT  
WASTE MANAGEMENT DIVISION**

**OCT      NOV**

**A. ENFORCEMENT**

1.	New cases received	1	1
2.	On-going administrative cases		
	Pending	1	2
	Active	3	3
	Legal	3	3
	Tracking Compliance (Administrative)	31	31
	Inactive/Referred Cases	2	2
3.	NOI's issued	2	-
4.	Citations issued	-	-
5.	Consent Orders and Settlement Letter Signed	1	-
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 650	\$ -
7.	Enforcement Costs Collected (\$)	\$ 387	\$ -
8.	Cases Closed	1	-

**B. SOLID AND HAZARDOUS WASTE**

1.	FDEP Permits Received	0	0
2.	FDEP Permits Reviewed	1	0
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	1	0
4.	Other Permits and Reports		
	County Permits Received	0	0
	County Permits Reviewed	0	1
	Reports Received (SW/HW + SQG)	47	45
	Reports Reviewed (SW/HW + SQG)	63	56
5.	Inspections (Total)		
	Complaints (SW/HW + SQG)	27	24
	Compliance/Reinspections (SW/HW + SQG)	7	7
	Facility Compliance	27	13
	Small Quantity Generator Verifications	127	91
	P2 Audits	0	0
6.	Enforcement (SW/HW + SQG)		
	Complaints Received	27	25
	Complaints Closed	28	19
	Warning Notices Issued	0	1
	Warning Notices Closed	0	0
	Compliance Letters	107	61
	Letters of Agreement	0	0
	Agency Referrals	7	4
7.	Pamphlets, Rules and Material Distributed	205	84

**C. STORAGE TANK COMPLIANCE**

1.	Inspections		
	Compliance	66	46
	Installation	3	10
	Closure	2	6
	Compliance Re-Inspections	3	7
2.	Installation Plans Received	6	-
3.	Installation Plans Reviewed	4	-
4.	Closure Plans & Reports		
	Closure Plans Received	1	-
	Closure Plans Reviewed	1	-
	Closure Reports Received	2	-
	Closure Reports Reviewed		-
5.	Enforcement		

	Non-Compliance Letters Issued	54	33
	Warning Notices Issued	-	-
	Warning Notices Closed	1	-
	Cases Referred to Enforcement	-	-
	Complaints Received	-	-
	Complaints Investigated	-	-
	Complaints Referred		-
6.	Discharge Reporting Forms Received	1	1
7.	Incident Notification Forms Received	2	2
8.	Cleanup Notification Letters Issued	-	-

**D. STORAGE TANK CLEANUP**

1.	Inspections	17	17
2.	Reports Received	62	63
3.	Reports Reviewed	61	48
	Site Assessment Received	8	18
	Site Assessment Reviewed	5	12
	Source Removal Received	1	1
	Source Removal Reviewed	1	-
	Remedial Action Plans (RAP'S) Received	4	2
	Remedial Action Plans (RAP'S) Reviewed	4	2
	Site Rehabilitation Completion Order/No Further Action Rec'd	2	-
	Site Rehabilitation Completion Order/No Further Action Revw'd	1	1
	Active Remediation/Monitoring Received	16	11
	Active Remediation/Monitoring Reviewed	20	15
	Others Received	31	31
	Others Reviewed	30	18

**E. RECORD REVIEWS**

**F. LEGAL PIR'S**

	19	13
	12	20

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

	<u>NOV</u>
<b>A. ENFORCEMENT</b>	
1. New Enforcement Cases Received	2
2. Enforcement Cases Closed	1
3. Enforcement Cases Outstanding	10
4. Enforcement Documents Issued	-
5. Recovered Costs to the General Fund	\$ -
6. Contributions to the Pollution Recovery Fund	\$ -
<b>B. PERMITTING/PROJECT REVIEW - DOMESTIC</b>	
1. Permit Applications Received	<b>24</b>
a. Facility Permit	3
(i) Types I and II	-
(ii) Type III	3
b. Collection Systems - General	12
c. Collection systems-Dry Line/Wet Line	9
d. Biosolids Disposal	-
2. Permit Applications Approved	<b>27</b>
a. Facility Permit	1
b. Collection Systems - General	8
c. Collection systems-Dry Line/Wet Line	4
d. Biosolids Disposal	-
e. Final Construction approval	14
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	<b>47</b>
a. Facility Permit	15
b. Collection Systems - General	18
c. Collection systems-Dry Line/Wet Line	14
d. Biosolids Disposal	-



7. Permit Determination	3
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	1
c. Others	-
<b>C. INSPECTIONS - DOMESTIC</b>	
1. Compliance Evaluation	<b>8</b>
a. Inspection (CEI)	2
b. Sampling Inspection (CSI)	6
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	<b>30</b>
a. Inspection (RI)	3
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	27
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections	<b>28</b>
a. Reconnaissance Inspection (RI)	5
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	7
e. Post Construction Inspection (XCI)	16
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-
<b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b>	
1. Permit Applications Received	<b>3</b>
a. Facility Permit	-
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	3
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	2
a. Facility Permit	2
b. General Permit	-

4. Permitting Determination	-
5. Special Project Reviews	<b>37</b>
a. Phosphate	3
b. Industrial Wastewater	13
c. Others	21
<b>E. INSPECTIONS - INDUSTRIAL</b>	
1. Compliance Evaluation (Total)	<b>10</b>
a. Inspection (CEI)	9
b. Sampling Inspection (CSI)	1
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	<b>14</b>
a. Inspection (RI)	2
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	12
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections (Total)	<b>1</b>
a. Compliance Evaluation (CEI)	1
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	-
e. Enforcement Reconnaissance Inspections (ERI)	-
<b>F. INVESTIGATION/COMPLIANCE</b>	
1. Citizen Complaints	
a. Domestic	<b>28</b>
(i) Received	14
(ii) Closed	14
b. Industrial	<b>16</b>
(i) Received	8
(ii) Closed	8
2. Warning Notices	
a. Domestic	<b>3</b>
(i) Issued	-
(ii) Closed	3
b. Industrial	<b>3</b>
(i) Issued	1
(ii) Closed	2
3. Non-Compliance Advisory Letters	<b>5</b>
4. Environmental Compliance Reviews	<b>47</b>
5. Special Project Reviews	<b>22</b>

**G. RECORD REVIEWS**

- |                             |   |
|-----------------------------|---|
| 1. Permitting Determination | 2 |
| 2. Enforcement              | - |

**H. ENVIRONMENTAL SAMPLES**

**ANALYZED/REPORTS REVIEWED (LAB)**

- |                          |     |
|--------------------------|-----|
| 1. Air Division          | 37  |
| 2. Waste Division        | -   |
| 3. Water Division        | 16  |
| 4. Wetlands Division     | -   |
| 5. ERM Division          | 175 |
| 6. Biomonitoring Reports | -   |
| 7. Outside Agency        | 19  |

**I. SPECIAL PROJECT REVIEWS**

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

**EPC Wetlands Management Division  
Backup AGENDA  
October 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
October 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
78	100%	'98%

**Formal Wetland Delineation Surveys**

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
October 2015	9	109	31	2	0.13
Since April 2008	884	17287	3908	303	58.34

**Construction Plans Approved**

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Total Impacts Approved Acreage	Impacts Exempt Acreage
October 2015	8	25	0	0	1.52	0.03
Since April 2008	1316	3486	300	66.51	149.96	87.76

### Mitigation Sites in Compliance

17/19	89%
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### Compliance/Enforcement Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored/Created
2.2	0.0	0.5

### TPA Minor Work Permits

Permits Issued For October 2015	Permits Issued Fiscal Year 2016	Cumulative Permits Issued Since TPA Delegation (07/09)
27	27	1448

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

<b>Month</b>	<b># Of Reviews</b>	<b>% On Time</b>	<b>% Late</b>
December			
November			
October	361	99%	1%
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  
October 2014**

A. General	Totals
1. Telephone Conferences	613
2. Unscheduled Citizen Assistance	408
3. Scheduled Meetings	392
4. Correspondence	2590
5. Interagency Coordination	101
6. Trainings	17
7. Public Outreach/Education	2
8. Quality Control	15
B. Assessment Reviews	
1. Wetland Delineations	18
2. Surveys	15
3. Miscellaneous Activities in Wetland	22
4. Mangrove	17
5. Notice of Exemption	5
6. Impact/ Mitigation Proposal	9
7. Tampa Port Authority	77
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	0
10. On-Site Visits	134
11. Phosphate Mining	0
12. CPA	0
13. Pre-Applications	50
14. AG SWM	3
<b>Planning Growth Management Review</b>	
15. Land Alteration/Landscaping	1
16. Land Excavation	1
17. Rezoning Reviews	22
18. Site Development	20
19. Subdivision	38
20. Wetland Setback Encroachment	2
21. Easement/Access-Vacating	1
22. Agriculture Exemption	0
C. Investigation and Compliance	
1. Warning Notices Issued	12
2. Warning Notices Closed	4
3. Complaints Closed	17
4. Complaint Inspections	38
5. Return Compliance Inspections for open cases	31
6. Mitigation Monitoring Reports	8
7. Mitigation Compliance Inspections	23
8. Erosion Control Inspections	6
9. MAIW Compliance Site Inspections	3
10. TPA Compliance Site Inspections	42
11. Mangrove Compliance Site Inspections	10
12. Conservation Easement Inspection	8
D. Enforcement	
1. Active Cases	5
2. Legal Cases	1
3. Number of "Notice of Intent to Initiate Enforcement"	4
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	2
6. Administrative - Civil Cases Closed	7
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$2,214.00
9. Enforcement Costs Collected	\$343.00
E. Ombudsman	
1. Agriculture	5
2. Permitting Process & Rule Assistance	0
3. Citizen Assistance	0
4. Staff Assistance	2

**EPC Wetlands Management Division  
Backup AGENDA  
November 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
November 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
78	95%	98%

**Formal Wetland Delineation Surveys**

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
November 2015	14	1092	273	21	4.93
Since April 2008	896	18379	4181	324	63.27

**Construction Plans Approved**

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Total Impacts Approved Acreage	Impacts Exempt Acreage
November 2015	11	23	5	0.84	0.52	0.35
Since April 2008	1327	3509	305	67.35	150.48	88.11



### Mitigation Sites in Compliance

6/8	75%
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### Compliance/Enforcement Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored/Created
1.6	0.0	0.27

### TPA Minor Work Permits

Permits Issued For November 2015	Permits Issued Fiscal Year 2016	Cumulative Permits Issued Since TPA Delegation (07/09)
16	43	1491

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

<b>Month</b>	<b># Of Reviews</b>	<b>% On Time</b>	<b>% Late</b>
December			
November	268	98%	2%
October	361	99%	1%
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  
November 2015**

A. General	Totals
1. Telephone Conferences	440
2. Unscheduled Citizen Assistance	418
3. Scheduled Meetings	388
4. Correspondence	2594
5. Interagency Coordination	97
6. Trainings	13
7. Public Outreach/Education	5
8. Quality Control	25
B. Assessment Reviews	
1. Wetland Delineations	26
2. Surveys	12
3. Miscellaneous Activities in Wetland	24
4. Mangrove	3
5. Notice of Exemption	5
6. Impact/ Mitigation Proposal	9
7. Tampa Port Authority	68
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	0
10. On-Site Visits	98
11. Phosphate Mining	0
12. CPA	0
13. Pre-Applications	25
14. AG SWM	2
<b>Planning Growth Management Review</b>	
15. Land Alteration/Landscaping	0
16. Land Excavation	0
17. Rezoning Reviews	9
18. Site Development	27
19. Subdivision	39
20. Wetland Setback Encroachment	1
21. Easement/Access-Vacating	0
22. Agriculture Exemption	0
C. Investigation and Compliance	
1. Warning Notices Issued	14
2. Warning Notices Closed	5
3. Complaints Closed	24
4. Complaint Inspections	28
5. Return Compliance Inspections for open cases	20
6. Mitigation Monitoring Reports	12
7. Mitigation Compliance Inspections	12
8. Erosion Control Inspections	6
9. MAIW Compliance Site Inspections	8
10. TPA Compliance Site Inspections	2
11. Mangrove Compliance Site Inspections	0
12. Conservation Easement Inspection	2
D. Enforcement	
1. Active Cases	6
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	\$0.00
9. Enforcement Costs Collected	\$0.00
E. Ombudsman	
1. Agriculture	2
2. Permitting Process & Rule Assistance	0
3. Citizen Assistance	0
4. Staff Assistance	1

**FY15 - MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION**

**NOV**

**A. Public Outreach/Education Assistance**

1	Phone calls	175
2	Literature Distributed	5
3	Presentations	1
4	Media Contacts	0
5	Internet	59
6	Host/Sponsor Workshops, Meetings, Special Events	0

**B. Industrial Air Pollution Permitting**

1 Permit Applications received (Counted by Number of Fees Received)

a.	Operating	4
b.	Construction	3
c.	Amendments / Transfers / Extensions	0
d.	Title V Operating:	0
e.	Permit Determinations	0
f.	General	3

2 Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (<sup>1</sup>Counted by Number of Fees Collected)-(<sup>2</sup>Counted by Number of Emission Units affected by the Review):

a.	Operating <sup>1</sup>	10
b.	Construction <sup>1</sup>	3
c.	Amendments / Transfers / Extensions <sup>1</sup>	1
d.	Title V Operating <sup>2</sup>	11
e.	Permit Determinations <sup>2</sup>	0
f.	General	1
3	Intent to Deny Permit Issued	0

**C. Administrative Enforcement**

1	New cases received	0
2	On-going administrative cases	
	a. Pending	1
	b. Active	1
	c. Legal	0
	d. Tracking compliance (Administrative)	11
	e. Inactive/Referred cases	0
	<b>TOTAL</b>	<b>13</b>
3	NOIs issued	0
4	Citations issued	0
5	Consent Orders Signed	2
6	Contributions to the Pollution Recovery Fund	\$2,850.00
7	Cases Closed	1

**D. Inspections**

1	Industrial Facilities	11
2	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0
	b. Major Sources	2
3	Asbestos Demolition/Renovation Projects	17
<b>E.</b>	<b>Open Burning Permits Issued</b>	3
<b>F.</b>	<b>Number of Division of Forestry Permits Monitored</b>	207
<b>G.</b>	<b>Total Citizen Complaints Received</b>	44
<b>H.</b>	<b>Total Citizen Complaints Closed</b>	20
<b>I.</b>	<b>Noise Complaints Received by EPC (Chapter 1-10)</b>	22
<b>J.</b>	<b>Noise Complaints Received by Sheriff's Office (County Ord. #12-12)</b>	320
<b>K.</b>	<b>Number of cases EPC is aware that both EPC &amp; Sheriff responded</b>	1
<b>L.</b>	<b>Number of Historical Sources that both EPC &amp; Sheriff responded this year</b>	2
	Green Gators (2)	
	Resident Town & Country	
<b>M.</b>	<b>Noise Sources Monitored:</b>	1
<b>N.</b>	<b>Air Program's Input to Development Regional Impacts:</b>	4
<b>O.</b>	<b>Test Reports Reviewed:</b>	30
<b>P.</b>	<b>Compliance:</b>	
1	Warning Notices Issued	2
2	Warning Notices Resolved	1
3	Advisory Letters Issued	3
<b>Q.</b>	<b>AOR'S Reviewed</b>	0
<b>R.</b>	<b>Permits Reviewed for NESHAP Applicability</b>	2
<b>S.</b>	<b>Planning Documents coordinated for Agency Review</b>	9

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 16 POLLUTION RECOVERY FUND  
10/1/2014 through 11/30/2015**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 958,864	Artificial Reef	\$ 34,867	Minimum Balance	\$ 120,000	
Interest	\$ (217)	Open Projects	\$ 442,115	Est. FY 17 Budget	\$ 34,687	
Deposits	\$ 8,600			Asbestos Removal	\$ 5,000	
Total	\$ 967,247	Total	\$ 476,982	Total	\$ 159,687	\$ 330,578



PROJECT		Project Amount	Project Balance
<b>FY 12 Projects</b>			
Bahia Beach Mangrove Enhancement	10131.102063.581990.5370.1187	\$ 56,700	\$ 700
USGS Partnership	10131.102063.581990.5370.1188	\$ 25,000	\$ 18,750
		\$ 81,700	\$ 19,450
<b>FY 13 Projects</b>			
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
<b>FY 14 Projects</b>			
Mercury Collection Public Education	10131.102063.581990.5370.1176	\$ 5,000	\$ 539
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
<b>FY 15 Projects</b>			
TBW Rock Ponds Wetland Restoration	10131.102063.582990.5370.1247	\$ 50,000	\$ 43,551
East Lake Watershed Edu. & Restoratio	10131.102063.582990.5370.1249	\$ 5,012	\$ 5,012
		\$ 55,012	\$ 48,563
<b>FY 16 Projects</b>			
TBW McKay Bay South Oyster Reef	10131.102063.582990.5370.1267	\$ 48,010	\$ 48,010
TBEP Tampa Bay Dredge Hole Habitat	10131.102063.581990.5370.1268	\$ 35,880	\$ 35,880



## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***

**Date of EPC Meeting:** December 17, 2015

**Subject:** Monthly Legal Case Summary – November & December 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**  
*November & December 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 was placed in abeyance as the parties discussed options. A conceptual wetland impact approval letter was sent to the applicant on December 8, 2015 after a modification to the application was submitted. The parties will wait for the time period to challenge the new agency action and if no appeals are submitted the matter should be 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 early January. (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. On October 12, 2015 the Plaintiff filed a Motion for Judgment on the Pleadings. The EPC responded to the Motion on October 21, 2015. The case is on-going. (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





## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***

**Date of EPC Meeting:** December 17, 2015

**Subject:** Request for authority to take appropriate legal action against Janette Layer, owner of the Little Manatee Isles Mobile Home Park and its domestic wastewater treatment facility.

**Agenda Section:** Consent Agenda

**Item:** Water Management Division

**Recommendation:** Grant EPC staff authority to take appropriate legal action, including but not limited to filing a civil law suit, and also authorize the Executive Director to enter into any potential settlement.

**Brief Summary:** Little Manatee Isles Mobile Home Park in Ruskin has a domestic wastewater treatment facility (“WWTF”) with a long history of environmental violations. EPC entered into settlement agreements with the park’s owner, Mrs. Janette Layer in 2007, and 2012, to perform certain corrective measures, including investigating and repairing sources of inflow and infiltration, conducting a comprehensive evaluation of the wastewater disposal system’s capacity, and converting the polishing pond to a percolation pond. Those corrective measures were not completed as required by the agreement. The EPC and Ms. Layer amended the 2012 agreement on January 8, 2015, to allow additional time to complete the remaining corrective measures. The amended agreement included the financial incentive wherein EPC agreed to not collect stipulated penalties (\$153,750) if corrective actions were timely completed. To date, Ms. Layer has attempted to investigate sources of inflow and infiltration, but has not yet completed the above-noted corrective actions and evaluation and remains in violation of the settlement. The WWTF remains out-of-compliance, as evidenced by 43 documented unpermitted discharges of treated effluent since execution of the 2012 Consent Order. After years of working with Ms. Layer, we believe legal action may be more effective.

**Financial Impact:** Litigation costs can vary depending on the length and complexity of the litigation. This litigation will be handled by EPC counsel and should be covered within EPC’s existing budget. Any change will be reported.

#### **Background:**

The Environmental Protection Commission regulates wastewater treatment plants and has been delegated authority by the Florida Department of Environmental Protection (DEP) to regulate the majority of the wastewater treatment plants in Hillsborough County. Thus, the EPC does this on behalf of the DEP and uses State laws. Janette Layer is the owner and operator of the Little Manatee Isles Mobile Home Park, located at 2821 Gulf City Road, Ruskin, Hillsborough County, on the bank of the Little Manatee River. The river has been designated by the State as an Outstanding Florida Water. The mobile home park’s domestic wastewater is treated and disposed of on-site at its own wastewater treatment plant and disposal system (referred to as the “Facility”), which is permitted by the EPC and operates under DEP/EPC Permit No. FLA012203. The Facility has repeatedly violated Rules 62-600.410 (2) and 62-600.740 (2) (a), Florida Administrative Code (F.A.C.), Permit condition IX.7., and Section 403.161 (1) (b), Florida

Statutes (F.S.), by causing or allowing unpermitted treated wastewater discharges from the percolation ponds to the environment.

The Facility has been under EPC enforcement since 2001 for problems with its disposal system, operation and maintenance, and percolation pond cleaning. The enforcement usually is resolved by entering into settlement agreements known as “consent orders.” In this case, Ms. Layer has entered into three Consent Orders (“COs”) in 2002, 2007, 2012, and a First Amendment to Consent Order, January 2015 (“ACO”). With each agreement, Ms. Layer paid a penalty and completed some but not all of the corrective measures.

The First Amendment to Consent Order included a penalty of \$156,750 which was comprised of \$250/day stipulated penalties (an amount previously agreed to by Ms. Layer within the 2012 Consent Order) for Ms. Layer’s failure to complete corrective measures from the 2012 CO (converting its polishing pond to a percolation pond, conducting a comprehensive disposal system capacity evaluation, and, if necessary, corrective action, and failing to install individual potable water meters). The EPC collected \$3,000 in penalties and held the remaining \$153,750 penalties in abeyance as an incentive for Ms. Layer to comply with the ACO’s corrective action schedule.

Ms. Layer has, again, done some of the evaluation and corrective work agreed to in the ACO, but has not completed the conversion of the polishing pond, the inflow and infiltration (I & I) corrective measures, the evaluation of the disposal system and, if necessary, any resultant corrective actions. Failure to comply with an order of the EPC (which includes consent orders) is a violation of Chapter 403.161, F. S., and Chapter 84-446, as amended, laws of Florida (EPC Act), Section 17. Moreover, the WWTF remains out-of-compliance, as evidenced by 43 documented discharges of treated wastewater (effluent) since execution of the 2012 Consent Order, many of which flowed to a ditch that empties into the Little Manatee River. A more detailed history of the enforcement case is provided at the end of this agenda item.

EPC staff has worked with Ms. Layer for over a decade to correct the violations, however, due to the repeated nature of the unpermitted wastewater discharges and Ms. Layer’s inability to correct the problem(s) causing the unpermitted discharges to date, EPC staff requests that the Commission grant authority to take appropriate legal action, including but not limited to filing a civil law suit against Ms. Layer, and also authorize the Executive Director to enter into any potential settlement that may arise during litigation. The EPC is authorized to file suit pursuant to Sections 5, 8, 17 - 19 of the EPC Act.

### **Enforcement History:**

**Consent Order 02-20257** executed **March 25, 2002**, requiring Ms. Layer to, among other corrective items:

1. Reduce inflow and infiltration (I & I) into the treatment plant.
2. Submit to the EPC a Disposal System Evaluation Report (Report).

Penalty \$2,000; Costs \$581

**Consent Order 07-20257** executed **July 27, 2007** requiring Ms. Layer to:

1. Submit a Disposal System Evaluation Plan (by 9/10/07)
2. Survey the disposal system (10/25/07)
3. Clean the percolation ponds (by 11/24/07)
4. Provide a practical demonstration as to the adequacy of the effluent disposal system to handle the treatment plant’s permitted capacity.

Penalty \$1,000; Costs \$350

**Consent Order 12-20257DW** executed **December 4, 2012**, requiring Ms. Layer to:

1. Investigate sources of I & I (by Jan 3, 2013)
2. Perform I & I corrective actions (by March 4, 2013)
3. Convert the polishing pond to a percolation pond (by March 4, 2013)
4. Submit a Disposal System Evaluation Plan (DSEP) (by March 4, 2013)
5. Implement approved DSEP (by June 1, 2013)
6. Submit a DSE Results report (by October 1, 2013)
7. Install potable water meters on each unit (by June 2, 2013)

Penalty \$9,519; Costs \$850

**First Amendment to Consent Order executed January 9, 2015**, requiring Ms. Layer to:

1. Complete I & I repairs identified during FRWA's smoke test 6/3/14 (by Jan. 31, 2015)
2. Clean & video collection/transmission system (by Feb. 28, 2015)
3. Repair all items identified by piping video inspection (by May 31, 2015)
4. Convert polishing pond to percolation pond (by May 31, 2015)
5. Submit a Disposal System Evaluation Plan (by May 31, 2015)
6. Implement DSEP (by July 1, 2015)
7. Submit DSE Report (by November 1, 2015)

Stipulated penalty \$3,000 with remaining \$153,700 held in abeyance payable if Ms. Layer does not comply with scheduled items. Costs \$500

List of Attachments: None



## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***

**Date of EPC Meeting:** December 17, 2015

**Subject:** EPC Wetland Mitigation Project Transfer of Pollution Recovery Funds

**Agenda Section:** Consent Agenda

**Item:** Wetlands Management Division

**Recommendation:** To authorize the Executive Director to transfer \$18,750 of allocated but unused Pollution Recovery Fund (PRF) money for other expenses related to the same project, and to delegate to the Executive Director the authority to execute any necessary agreements using that funding for outside professional services to finalize a report evaluating the effectiveness of wetland mitigation and travel to Atlanta to present the findings to the United States Environmental Protection Agency (USEPA).

**Brief Summary:** In 2011 and 2013, the EPC entered into agreements with the USEPA and US Geological Survey (USGS), as well as the University of South Florida (USF) to assist in studying the long-term effectiveness of compensatory wetland mitigation. The Project is a joint-funding agreement designed to evaluate the effectiveness of required wetland mitigation, along with any factors that may influence the long-term viability of mitigated wetlands, and any recommendations for improving the overall process. EPC staff has completed their surveys of the mitigation sites, has negotiated a reduced level of services with the USGS, and is requesting to use the remaining \$18,750 in PRF monies (the original was \$25,000 for USGS) for other professional services to complete the analysis and report, and present the findings to USEPA in Atlanta next year.

**Financial Impact:** The financial impact is up to \$18,750 to be paid out of existing, encumbered PRF Funds. No additional funds are required.

**Background:** The EPC was awarded outside funding from the USEPA to study and report on the effectiveness of wetland sites that have been created, restored or enhanced (i.e. - “mitigation”) to offset other wetland impacts. Thus, in 2011 and 2013, the EPC entered into agreements with the USEPA, USGS, and USF to study the effectiveness of compensatory mitigation in the Tampa Bay Watersheds by identifying methods to improve mitigation design, evaluating and improving the criteria used to determine success, as well as factors influencing mitigation success. The project consists of studying a sample of approximately 63 mitigation sites from the more than 1,000 mitigation areas in Hillsborough County which have been deemed completed (i.e. - “released” from permitting oversight) for at least 5 years.

The EPC Commission approved the use of \$25,000 in Pollution Recovery Funds to pay the USGS for professional services to support the study. The USGS completed their efforts and were able to charge the EPC less than estimated. Specifically, the USGS fee was only \$6,250. EPC staff has completed their field work at the mitigation sites and the majority of the remaining effort is analysis and report writing. The EPC staff respectfully requests the EPC Commission authorize the Executive Director to transfer the remaining \$18,750 originally allocated for the USGS so it can be used to cover the cost of other professional services related to the same project. The EPC staff also requests that the Commission delegate to the Executive Director the ability to execute any necessary agreements funded with the PRF money to complete the analysis and report, and present the findings.

**List of Attachments:** None



## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***

**Date of EPC Meeting:** December 17, 2015

**Subject:** Revision to include EQ Florida, Inc. as a Grantee to the Pollution Recovery Fund Agreement for Agriculture Pesticide Collection

**Agenda Section:** Consent Agenda

**Item:** Water Management Division

**Recommendation:** Name EQ Florida, Inc. as Co-awardee to PRF Agreement for Agriculture Pesticide Collection

**Brief Summary:** Hillsborough County, through its Economic Development Department was awarded \$40,000.00 in Pollution Recovery Funds by the EPC Commission on October 15, 2015 for the project entitled "Agriculture Pesticide Collection." Similar to last year, Hillsborough County requests to have the PRF funds paid directly to EQ Florida, Inc. which is Hillsborough County's contracted vendor for the collection and disposal of the pesticides.

**Financial Impact:** No Financial Impact

**Background:** Hillsborough County through its Economic Development Department was awarded \$40,000.00 in Pollution Recovery Funds (PRF) by the EPC Commission on October 15, 2015 for the project entitled "Agriculture Pesticide Collection." Hillsborough County has indicated that they will utilize EQ Florida, Inc. as their contracted vendor for the collection and disposal of the pesticides planned for early 2016. Thus, the awardee, Hillsborough County, requested after the Commission vote that the EPC arrange to pay the budgeted PRF funds directly to EQ Florida, Inc. on a reimbursement basis. In order to directly pay the vendor with PRF funds, the EPC Act requires that the Commission approve the use of PRF funds for EQ Florida. There is no change to the cost of the project. The PRF agreement has not been executed yet, thus EPC staff will add EQ as a partner in the agreement and then deliver the agreement to the EPC Chair for execution.



## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***

**Date of EPC Meeting:** December 17, 2015

**Subject:** Morris Bridge Sink Water Use Permit Intent to Issue (SWFWMD)

**Agenda Section:** Regular Agenda

**Item:** Legal and Administrative Services Division

**Recommendation:** Informational report for discussion purposes.

**Brief Summary:** The Southwest Florida Water Management District (SWFWMD) has applied for a Water Use Permit to pump quantities of water from the Morris Bridge Sink (MBS) in northeast Hillsborough County. The authorized quantities will be pumped from MBS then subsequently transferred to the Lower Hillsborough River via the City of Tampa Hillsborough River Reservoir. The project is a component of SWFWMD's recovery strategy toward meeting minimum flows and levels for the lower segment of the Hillsborough River. The Florida Department of Environmental Protection has issued an intent to issue the permit to SWFWMD and it may become final before the end of December. EPC staff have concerns regarding the potential environmental impacts associated with the pumping at this sensitive site. Staff will discuss its concerns with the Commission in an informational report.

**Financial Impact:** No Financial Impact

#### **Background:**

The Southwest Florida Water Management District (SWFWMD), applied on August 12, 2015 to the Florida Department of Environmental Protection (FDEP) for a water use permit for the allocation of 2,017,000 gallons per day on an annual average basis withdrawn from Morris Bridge Sink (MBS). The proposed maximum daily withdrawal is 3,900,000 gallons per day. The FDEP issued its Notice of Intent to issue the permit on December 4, 2015. The MBS project is part of the SWFWMD's recovery strategy towards meeting the minimum flow requirements established for the lower segment of the Hillsborough River. The recovery strategy provides that flows below the dam will be augmented by pumping and piping water from four additional sources, depending on hydrologic conditions. The first supplemental source to be used meet the MFL is Sulphur Springs, the second is Blue Sink, and the third and fourth sources are the Tampa Bypass Canal and Morris Bridge Sink. The authorized quantities will be diverted from the Morris Bridge Sink via a pipeline to the upper pool of the Tampa Bypass Canal, then gravity drain to the middle pool, with an equivalent amount of water pumped from the middle pool to the City of Tampa's Hillsborough River Reservoir. The water from MBS may be used for environmental augmentation of the Lower Hillsborough River when the flow at the base of the dam is below the established minimum flows as defined in Rule 40D-8.04 (1), Florida Administrative Code.

#### **Staff Concerns**

The EPC has jurisdiction over impacts to wetlands and other surface waters within Hillsborough County. Staff have serious concerns regarding the environmental impacts expected to occur resulting from the proposed water withdrawals requested in this application. Although the proposed wetland monitoring plan appears well thought out, there are no proposed mechanisms or triggers in place to require pumping to cease if impacts occur. Conditions in the permit requiring mitigation of adverse impacts to environmental features of the MBS and offsite

land uses are ambiguous or not defined. The permit is specifically designed to allow pumping during drought or dry conditions. These are the very conditions where the MBS and surrounding wetlands will be stressed and in need of existing water levels. Past pumping tests during drought conditions in the year 2000 by Tampa Bay Water (TBW), although at the higher quantities of 6.7 mgd, caused 7-foot drawdowns at the sink and 13 nearby residential wells ran dry requiring mitigation by TBW. The application itself states that there is a direct connection between the MBS and the Surficial and Floridan aquifer.

EPC staff believes there are alternatives for augmentation to the Lower Hillsborough River that do not involve the same potential for harm to the pristine wetland systems that the MBS have. However, should the permit be ultimately be issued, clearly defined permit conditions should be developed to require the cessation of pumping and immediate mitigation of environmental impacts. Such conditions are not in place in the proposed permit at this time. Staff will discuss the MBS proposed water use permit and its concerns with the Commission at the meeting.





## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***

**Date of EPC Meeting:** December 17, 2015

**Subject:** Sterling Employee Survey Results

**Agenda Section:** Regular Agenda

**Item:** Legal and Administrative Services Division

**Recommendation:** Informational Report

**Brief Summary:** Results from this year's Sterling Employee Survey compared to previous year's surveys indicate an overall increase in employee satisfaction and a sustained high participation rate in the survey process. Employees provided a greater than 16 percent increase from the previous survey for a "strongly agree" response to the question: "Overall, I am satisfied with my job." The new Executive Director fared very well in the survey moving up 20 spots in employee agreement for the question "The following people have good leadership qualities: Executive Director." Some questions remain from the data including whether employees are highly stressed or just distinctly feeling an increase in stress as the EPC is going through changes. Overall the trend is an increase employee agreement for most aspects of the survey which indicates a highly satisfied and highly engaged workforce.

**Financial Impact:** No Financial Impact

**Background:** As a part of the work force focus element of the Sterling Management System initiative embarked upon by EPC in 2009, an Employee Survey was started. The goal of the survey was to set a baseline and to establish and evaluate trends over time regarding employee workforce satisfaction and engagement. Trends are measured based on information gathered from employee's responses of agreement in satisfaction and by rating of importance to questions provided in an anonymous survey with approximately 54 questions. The survey was initially offered annually for the first three years and is currently offered every other year.

Results from this year's Sterling Employee Survey compared to previous year's surveys indicate an overall increase in employee satisfaction and a sustained high participation rate in the survey process. Employees provided a greater than 16 percent increase from the previous survey for a "strongly agree" response to the question: "Overall, I am satisfied with my job." Interestingly employees' responses identified that "My level of job related stress is low" as the most important to work on indicating that stress may be high. The new Executive Director fared very well in the survey moving up 20 spots in employee agreement for the question "The following people have good leadership qualities: Executive Director." The department of Management of Information Systems (MIS) had the highest agreement improvement moving up 23 spots in the survey. Some questions remain from the data including whether employees are indeed highly stressed or just distinctly feeling an increase in stress as the EPC is going through a changes. Overall the trend is an increase employee agreement for most aspects of the survey which indicates a highly satisfied and highly engaged workforce.

**List of Attachments:** None





## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***

**Date of EPC Meeting:** December 17, 2015

**Subject:** Strategic Planning for 2016 and Proposed Commission Calendar

**Agenda Section:** Regular Agenda

**Item:** Legal and Administrative Services Division

**Recommendation:** Have Commission provide input to staff on the proposed 2016 Action Plans and vote to accept them.

**Brief Summary:** Staff will give a brief informational presentation on this year's strategic planning process and seek input on proposed Action Plans for 2016 as well as the Commission Calendar. EPC's Strategic Plan details the planning process and guides the development of new action plans for the coming year. This presentation will summarize the process and offer several initiatives for implementation in 2016 to improve EPC's efficiency and services. It will also outline major topics for the Commission's 2016 calendar.

**Financial Impact:** No additional funds required at this time.

**Background:** EPC's Strategic Plan calls for the planning cycle for the coming year to begin in November and run through December. During this period, staff meets on numerous occasions to carry out a ten step planning process to develop new initiatives for the next calendar year. Starting with the Mission, Vision and Values; EPC reviews input from their many feedback groups and customer surveys to look for ways to improve how we do business. These ideas for improvement are packaged into action plans and vetted through senior staff before going to the Commission at the December meeting. Once Commission input is received, staff finalizes the action plans and puts together a schedule which is memorialized in the revised Strategic Plan in February.

Staff is seeking a Commission vote to accept the action plans as proposed and then amended per the Commission's direction. There are some costs associated with these action items and estimates will be provided. For the most part these costs are minimal and absorbed in the existing budget. Some may require more significant expenditures and those will be included in the regular budget cycle for Commission review.

**List of Attachments:** None.



## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***

**Date of EPC Meeting:** December 17, 2015

**Subject:** Hydraulic Fracturing and 2016 Legislation

**Agenda Section:** Regular Agenda

**Item:** Legal and Administrative Services Division

**Recommendation:** Informational report at the request of Commission Miller.

**Brief Summary:** Hydraulic fracturing (“fracking”). Fracking consists of using water, chemicals, and other materials to create fractures in a rock formation to stimulate production of hard to extract oil and natural gas. Fracking has occurred in the Florida Panhandle and more recently in South Florida. Petroleum products are not mined in Hillsborough County and we are not aware of any fracking activities occurring in Hillsborough County. Various fracking bills have failed from 2013 to 2015 that would require the Florida Department of Environmental Protection (DEP) to formally regulate fracking. There is fracking legislation proposed for this session (HB 191 and SB 318) that again attempts to create a DEP permitting program. The bill does propose to preempt local government regulation of oil exploration and extraction in general.

**Financial Impact:** No Financial Impact

**Background:** Due to recent news about proposed legislation, Commission Miller requested an informational report regarding oil exploration and hydraulic fracturing.

**FRACKING IN GENERAL.** “Hydraulic fracturing consists of using fluid and material to create or restore fractures in a rock formation to stimulate production. A hydraulic fracturing well is first drilled vertically. Then the well is drilled horizontally directly into the reservoir rock. The fracturing fluid and materials are pressurized and released through small perforations in the well casing. The pressurized mixture causes the rock layer to fracture. The fissures are held open by the proppants to allow natural gas and oil to flow into and out of the well...The composition of a fracturing fluid varies with the nature of the formation, but typically contains large amounts of water, a proppant to keep the fractures open (typically sand), and chemical additives. Each hydraulic fracturing well can require between one and seven million gallons of water” (2015 Florida House of Representative staff analysis for HB 1205). Fracking helps extract resources that are hard to reach with conventional technologies by improving the flow of hydrocarbons from the formation into the wellbore. See diagram below.

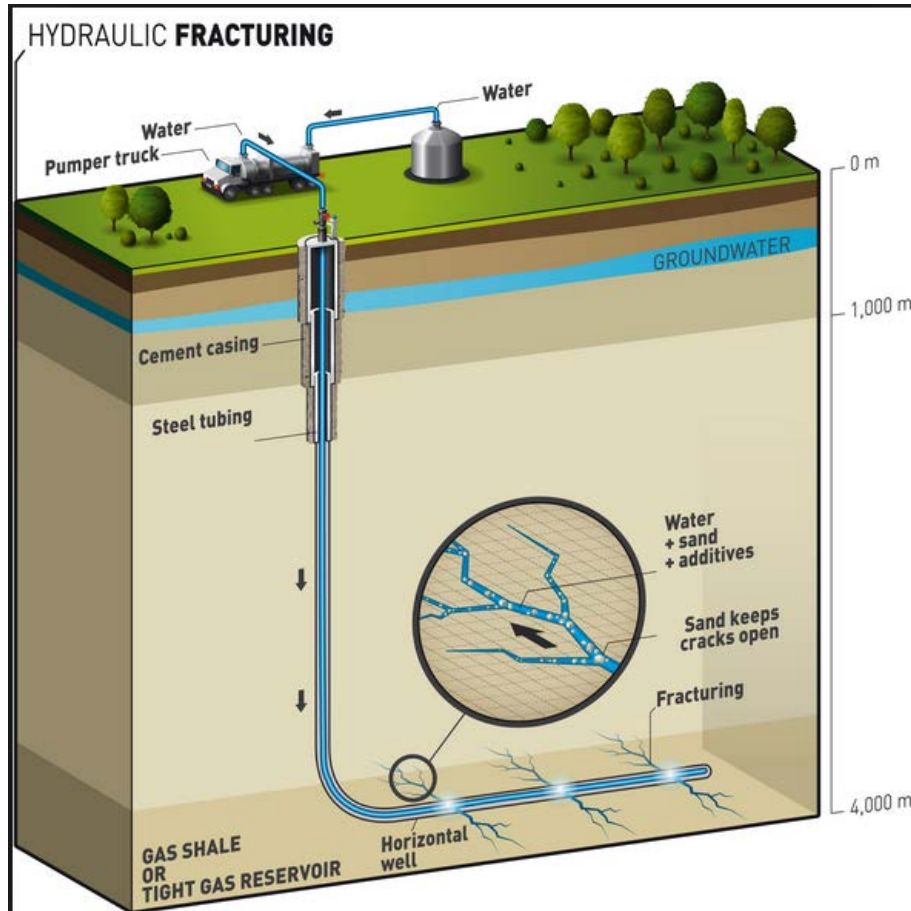
Fracking poses risks to the environment, not just from the fracturing of rock itself but from the overall process. For example, the USEPA noted the following potential events that could impact water quality:

- surface spills of the oil
- faulty well casings allowing leaks of product below ground

- underground pathways such as nearby improperly plugged wells or fractures in the rock formation that could allow oil or fracking fluids to enter the aquifer
- wastewater (fracking byproduct) can pollute the aquifer or surface water

Moreover fluid injection has been identified as a cause of low-level seismic activity in the middle states.

DIAGRAM OF HYDRAULIC FRACTURING (Not Florida specific)



**STATE REGULATORY AUTHORITY.** The Florida Department of Environmental Protection (DEP) requires permits for oil extraction, but not specifically for fracking. Current DEP oil and gas mining rules (e.g. 62C-25, FAC) recognizes the practice of fracking (a/k/a “well stimulation”) and it is allowed if the permittee, after receiving a mining permit, notifies the DEP that it intends to do fracking as part of the overall mining activity. The 2015 Florida House staff analysis of HB 1205 is an excellent resource and it explains the DEP’s regulatory process as follows:

“DEP’s rules currently require an operator to notify DEP before beginning any workover operation on an oil or gas well. A workover is defined as ‘an operation involving a deepening, plug back, repair, cement squeeze, perforation, hydraulic fracturing, acidizing, or other chemical treatment which is performed in a production, disposal, or injection well in order to restore, sustain, or increase production, disposal, or injection rates.’ Thus, an operator performing a well stimulation need not apply for a separate permit authorizing the well stimulation, but must only provide notification to DEP

before beginning the operation. Both hydraulic fracturing and acid fracturing have been utilized in Florida. According to DEP, the last hydraulic fracturing on record was conducted in the Jay Field [FL Panhandle] in 2003. Acid fracturing was used for the first time in Florida in Collier County in 2013, but the operation was halted by a cease and desist order from DEP based on concerns about groundwater contamination.”

**RECENT LEGISLATIVE HISTORY and 2016 PROPOSAL.** Various fracking bills have failed during the 2013 to 2015 legislative sessions. The bills usually come in pairs and intend to 1) create a formal permitting system regulated by the DEP and 2) create a database/registry. The proposed database has been controversial too because the bills usually contain language that exempts from public records many of the chemicals a company may use for fracking. The 2015 bills were sponsored by Senator Richter and Representatives Rodrigues and Pigman. Alternatively, 2015 Senate Bill 166 sponsored by Senator Soto proposed to ban fracking in Florida, but it died in its first committee.

There is a new fracking bill proposed for 2016 by Representatives Rodrigues, Pigman, and Broxson (HB 191) entitled “Regulation of Oil and Gas Resources.” Also, there is a Senate companion (SB 318) sponsored by Senator Richter which is very similar to HB 191. Currently, there is no associated public records exemption bill.

Among other things, both bills seek to preempt local governments from regulating all aspects of oil extraction, but for zoning laws in place before 2015. Specifically HB 191, it states:

The Legislature declares that all matters relating to the regulation of the exploration, development, production, processing, storage, and transportation of oil and gas are preempted to the state, to the exclusion of all existing and future ordinances or regulations relating thereto adopted by any county, municipality, or other political subdivision of the state. Any such existing ordinance or regulation is void. A county or municipality may, however, enforce an existing zoning ordinance adopted before January 1, 2015, if the ordinance is otherwise valid.

The bill also allows the DEP to establish rules for the regulation of fracking and requires the DEP to monitor and inspect fracking. No fracking may be permitted until the rules are developed. The DEP can consider an applicant’s past compliance history and groundwater contamination issues, and the DEP can require extensive monitoring and a large bond as a condition to allow fracking. Violations of the law are increased from \$10,000 per day to \$25,000 per day. Additionally, the DEP must conduct a comprehensive study of the potential risks of fracking which is due June 2017; \$1M is allocated from the General Revenue Fund for the study. Finally, the DEP must utilize an existing national database (FracFocus) to document well information such as location, amount, chemical disclosure, contractors, dates, etc., but the DEP shall not list chemicals/processes that are defined as trade secrets (Chp. 688).

Many municipalities closer to potential fracking areas and the Florida Association of Counties have opposed to the legislation. As there are no known efforts to extract oil/gas or frack in Hillsborough, EPC staff has mainly monitored these bills over the past three years. Nonetheless, we always have concerns about any legislation that seeks to pre-empt local government from having local regulations.

List of Attachments: None