

COMMISSION

Pat Kemp, *Chair*
Lesley "Les" Miller, Jr., *Vice Chair*
Ken Hagan
Sandra L. Murman
Kimberly Overman
Mariella Smith
Stacy White



Executive Director

Janet L. Dougherty

General Counsel

Richard Tschantz

Meeting time
9:00 a.m.

COMMISSION AGENDA
April 18, 2019

Location
601 E. Kennedy Blvd., Tampa
County Center, 2nd Floor

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, and INVOCATION**
- 2. CHANGES TO THE AGENDA**
- 3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, or SEPARATE VOTE**
- 4. RECOGNITION OF:**
 - a. **Elizabeth McCaffrey** of Carrollwood Day School, winner of the EPC Environmental Merit Award. Her project is "Solar Power Electrocoagulation Cell for Removal of Nitrate and Phosphate from Wastewater Retention Ponds."
 - b. **Gloria Hernandez**, upon her retirement from the Hillsborough County HR Department.
 - c. **Leslie Campbell**, upon her retirement from EPC after 42 years of service.
- 5. PUBLIC COMMENT** - *Each speaker is allowed 3 minutes unless the Commission directs differently.*
- 6. APPROVAL OF CONSENT AGENDA**

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes – February 21, 2019.....	2
2. Monthly Activity Reports – February and March 2019	6
3. FY2019 Pollution Recovery Fund Budget	8
4. Legal Case Summary	10
5. Action Plans Quarterly Update.....	13
6. Select Performance Measure Goals Quarterly Update	18
7. Website services agreement amendment with Granicus Inc	20

B. PUBLIC HEARING

None

C. REGULAR AGENDA

1. Pollution Recovery Fund allocation for replacement of water monitoring vessel	21
2. Legislative Update	22
3. 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.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A1

Date of EPC Meeting: April 18, 2019

Subject: Approval of February 21, 2019 EPC meeting minutes

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: Approve the February 21, 2019 EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on February 21, 2019.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the February 21, 2019 EPC meeting minutes.

Background: None.

FEBRUARY 21, 2019 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, February 21, 2019, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Vice Chairman Lesley Miller Jr. and Commissioners Ken Hagan, Sandra Murman (arrived at 9:17 a.m.), Kimberly Overman, and Mariella Smith.

The following members were absent: Chairman Pat Kemp and Commissioner Stacy White.

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

▶ Vice Chairman Miller called the meeting to order at 9:03 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

2. CHANGES TO THE AGENDA

▶ Ms. Janet Dougherty, EPC Executive Director, listed the changes to the agenda. ▶ Vice Chairman Miller called for a motion to approve the changes to the agenda. **Commissioner Smith so moved, seconded by Commissioner Hagan, and carried four to zero.** (Commissioner Murman had not arrived; Chairman Kemp and Commissioner White were absent.)

3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, OR SEPARATE VOTE - ▶
None.

4. RECOGNITIONS - ▶ None.

5. PUBLIC COMMENT - ▶ None.

6. APPROVAL OF CONSENT AGENDA

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - January 17, 2019
2. Monthly Activity Report
3. Fiscal Year 2019 Pollution Recovery Fund Budget
4. Legal Case Summary
5. Hearing Officer Agreements

THURSDAY, FEBRUARY 21, 2019

▶ Vice Chairman Miller called for a motion to approve the Consent Agenda. **Commissioner Overman so moved, seconded by Commissioner Smith, and carried four to zero.** (Commissioner Murman had not arrived; Chairman Kemp and Commissioner White were absent.)

B. PUBLIC HEARING - ▶ None.

C. REGULAR AGENDA

1. Agency Action Plans

▶ Mr. Jeffrey Sims, EPC, gave a presentation. ▶ After requesting a copy of the report and inquiring about evaluations to reduce the County's carbon footprint, ▶ **Commissioner Overman moved the EPC accept the report, seconded by Commissioner Smith, and carried five to zero.** (Chairman Kemp and Commissioner White were absent.)

2. Water Quality Index and Red Tide Update

▶ Ms. Dougherty deferred to Mr. Thomas Ash, EPC, who summarized the presentation. ▶ Commissioner Smith sought a copy of the report. Ms. Dougherty recognized the EPC staff.

3. Legislative Update

▶ EPC General Counsel Richard Tschantz provided an update. ▶ Responding to Commissioner Smith, Mr. Andy Schipfer, Director, EPC Wetlands Division, expounded on wetland mitigation banking credits. ▶ Commissioner Overman inquired about taking an inventory of all Jan K. Platt Environmental Lands Acquisition and Protection Program lands. Attorney Tschantz continued the presentation and, regarding House Bill (HB) 3, ▶ asked if the Board would support a letter to oppose the bill under the banner of the EPC. Commissioner Overman opined on the costs/disruptions of HB 3. Commissioner Murman spoke on the bill's prioritization in the legislature. After discussion on the proposed letter, ▶ **Commissioner Murman so moved, seconded by Commissioner Overman, and carried five to zero.** (Chairman Kemp and Commissioner White were absent.)

a. Commissioner Smith Agenda Item Request

▶ After introducing the item and acknowledging the proposed east port dredging project, ▶ **Commissioner Smith moved to direct staff to review the**

THURSDAY, FEBRUARY 21, 2019

Army Corps' permitting process for the project, looking for any opportunities to make appropriate staff technical comments, seconded by Commissioner Overman. Attorney Tschantz opined on the item. ► The motion carried five to zero. (Chairman Kemp and Commissioner White were absent.)

4. Executive Director's Report

► Ms. Dougherty distributed information and expounded on background material.

ADJOURN

► There being no further business, the meeting was adjourned at 10:07 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

ag

DRAFT



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A2

Date of EPC Meeting: April 18, 2019

Subject: Agency Monthly Activity Report

Agenda Section: Consent Agenda

Division: All five EPC Divisions

Recommendation: None. Informational report.

Brief Summary: The Agency-wide report represents the total number of select divisional activities that were tracked within a specific month.

Financial Impact: No financial impact.

List of Attachments: Monthly reports for February and March FY19

Background: Select data that is associated with the EPC's five core functions is tracked by each Division (i.e. outreach events, monitoring, compliance inspections, permits issued, etc.) Monthly activity tracking reports from each Division are tallied to generate one final Agency-wide report.

EPC STAFF ACTIVITIES - AGENCY-WIDE

Monthly Activity Report

FY19

		February	March	FISCAL YEAR TO DATE
A.	<u>Core Function: Citizen Support & Outreach</u>			
1	Environmental Complaints Received	123	111	689
2	Number of Presentations/Outreach Events	8	9	39
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	581	573	2967
B.	<u>Core Function: Air & Water Monitoring</u>			
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	91.5%	87.7%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	100.0%	99.9%	N/A
3	Number of Noise Monitoring Events	2	1	12
C.	<u>Core Function: Environmental Permitting</u>			
1	Permit/Authorization Applications Received	142	148	840
2	Applications In-house >180 days	8	9	N/A
3	Permits/Authorizations Issued	133	145	782
4	Petroleum Cleanup Cases	107	81	663
D.	<u>Core Function: Compliance Assurance</u>			
1	Compliance Inspections	374	407	1916
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	140	131	690
3	Compliance Assistance Letters Issued	240	254	2408
4	Warning Notices Issued	7	20	68
E.	<u>Core Function: Enforcement</u>			
1	New Cases Initiated	3	5	23
2	Active Cases	38	36	N/A
3	Tracking Cases	42	43	N/A



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A3

Date of EPC Meeting: April 18, 2019

Subject: Pollution Recovery Fund Budget

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: Informational Report Only

Brief Summary: The EPC staff provides a monthly summary of the funds allocated and available in the Pollution Recovery Fund.

Financial Impact: No Financial Impact

List of Attachments: PRF Budget Spreadsheet

Background: The EPC staff provides a monthly summary of the funds allocated and available in the Pollution Recovery Fund (PRF). The PRF funds are generated by monetary judgments and civil settlements collected by the EPC staff. The funds are then allocated by the Commission for restoration, education, monitoring, the Artificial Reef Program, and other approved uses.

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 19 POLLUTION RECOVERY FUND
10/1/2018 through 3/31/2019**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 752,608	Artificial Reef	\$ 33,339	Minimum Balance	\$ 120,000	
Interest	\$ 9,329	Open Projects	\$ 273,801	Est. FY 20 Budget	\$ 33,339	
Deposits	\$ 31,980			Asbestos Removal	\$ 5,000	
Total	\$ 793,917	Total	\$ 307,140	Total	\$ 158,339	\$ 328,438

PROJECT		Project Amount	Project Balance
FY 16 Projects			
TBW McKay Bay South Oyster Reef	10131.102063.582990.5370.1267	\$ 48,010	\$ 8,468
USF Fecal Pollution in Tampa Bay	10131.102063.581990.5370.1271	\$ 50,000	\$ 6,269
		\$ 98,010	\$ 14,737
FY18 Projects			
Ecosphere Restoration Ignacio Haya Park	10131.102063.582990.5370.1292	\$ 47,000	\$ 19,883
Audubon Florida Invasive Removal	10131.102063.582990.5370.1293	\$ 50,000	\$ 50,000
Keep T.B. Beautiful Trash Free Waters	10131.102063.582990.5370.1296	\$ 20,000	\$ 20,000
TBW MacDill AFB Living Shoreline	10131.102063.582990.5370.1294	\$ 49,324	\$ 49,324
UF Small Farms For Clean Water	10131.102063.581990.5370.1295	\$ 15,750	\$ 15,750
		\$ 182,074	\$ 154,957



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A4

Date of EPC Meeting: April 18, 2019

Subject: Legal Case Summary update

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: None. Informational update only.

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

Financial Impact: No financial impact anticipated. Informational update.

List of Attachments: Legal Case Summary

Background: In an effort to provide the Commission with timely information regarding legal challenges, the EPC staff provides this 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.

EPC LEGAL DEPARTMENT
SUMMARY REPORT OF LEGAL CASES
April 18, 2019

I. ADMINISTRATIVE CASES

Andrew Bufalo vs. EPC [19-EPC-004]: On April 10, 2019, the Appellant filed a request for an extension of time to file an appeal to challenge Citation # 2016-1026E issued for the unauthorized additions to a dock. The request for an extension of time is currently under review.

Tanima Srivastava vs. EPC [19-EPC-003]: On February 8, 2019, the Appellant filed a notice of appeal to challenge the EPC denial of an application to impact additional wetlands (#63720). On March 8, 2019, the Appeal was transferred to a Hearing Officer to conduct an administrative hearing.

Leo Caruso vs. EPC [19-EPC-001]: On January 30, 2019, Appellant filed a request for an extension of time to file an appeal to challenge EPC's denial of an application for a Minor Work Permit to construct a boatlift (#61541[R1]). The request was granted and the Appellant has until May 3, 2019 to file an appeal in this matter.

Starlite MHP, LLC vs. EPC [18-EPC-029]: On November 26, 2018 Petitioner Starlite MHP, LLC filed a request for an extension of time to file an appeal to challenge EPC's issuance of Permit Denial for Permit #FLA012163-008-DW3P/NRL. The extension was granted and the Petitioner had until January 18, 2019 to file a petition in this matter. A request for a second extension of time was granted and the Petitioner has until April 18, 2019 to file a petition in this matter.

Mosaic Fertilizer, LLC Variance Request [18-EPC-012]: On September 6, 2018, Mosaic Fertilizer, LLC filed a request for a variance to allow them to establish a wetland conservation easement in an alternate location. EPC filed a request for additional information.

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 Appellants have not filed a dismissal as they are waiting for final approval of the proposed project by Hillsborough County.

II. CIVIL CASES

Petrol Mart, Inc. [LEPC07-018]: On December 29, 2017 EPC filed a motion to reopen Civil Court Case #07-CA-012545 for the purpose of filing a motion for the appointment of a Receiver for the Defendant Petrol Mart, Inc. On January 26, 2018, the EPC filed a Motion for Appointment of a Receiver. On February 16, 2018 a Notice of Action in the matter was issued by the Clerk of Court for service of process by publication. The Court appointed a Receiver for the dissolved judgement debtor on April 17, 2018. The Receiver and the EPC are researching options to address the environmental conditions at the subject property. The plan is for the property to be conveyed to the city of Plant City who will conduct any assessment and remediation.

David A. Stumbo [17-EPC-013]: On October 19, 2017, the EPC authorized staff to take appropriate legal action against David A. Stumbo for failure to close unmaintained underground storage tanks. Daniel A. Stumbo owns real property located at 1102 East Laura Street, Plant City. The property includes four underground storage tanks of unknown capacity or type and which are currently in violation of the underground storage tank rules adopted in Chapter 1-12, Rules of the EPC. The EPC Legal Department filed a civil lawsuit and is attempting to serve the Defendant.

Mouhammed Z. Al-Samkari [17-EPC-012]: On October 19, 2017, the EPC authorized staff to take appropriate legal action against Mouhammed Z. Al-Samkari. Mr. Al-Samkari owns real property and operates a gasoline

station known as Hope Food Store located at 4002 North 22nd Street in Tampa. The underground petroleum storage tank system is currently in violation of the storage tank rules adopted in Chapter 1-12, Rules of the EPC. On September 21, 2018, the EPC Legal Department filed a civil lawsuit in this matter and no responsive pleading has been filed. The Clerk entered a Default on January 3, 2019 and the action is set for trial on June 26, 2019.

Volkswagen AG, et al. [16-EPC-002]: On March 24, 2016, the EPC filed a complaint against Volkswagen AG, et al. for activities that violate the EPC Enabling Act and the rules promulgated thereunder. On April 16, 2018, the EPC's complaint was dismissed. The EPC appealed the order granting the motion to dismiss.

Janet Layer [15-EPC-009]: In December of 2015 the EPC Commission authorized staff to take appropriate legal action against Ms. Janet Layer for failure to comply with various wastewater regulations regarding her operation of the domestic wastewater treatment plant and disposal system at Little Manatee Isles Mobile Home Park in Ruskin. The EPC and the estate of Ms. Layer settled the matter via a Consent Final Judgment entered on September 5, 2018.

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.

Thomas Jennings and Lorene Hall-Jennings [14-EPC-011]: 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. On the January 4, 2017 the Judge denied the Plaintiff's motion and the case will continue. On December 11, 2017, the Plaintiff filed a Motion for Summary Judgment. On October 12, 2018 the Court referred the parties to non-binding Arbitration. The Arbitration hearing took place on February 14, 2019 and the arbitrator ruled in favor of the EPC. The Plaintiff is now seeking a trial at the circuit court.

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 property ownership is currently owned by a family member. The EPC staff were in negotiations with the representative of the property owner regarding eligibility to utilize a state petroleum cleanup program to resolve the case. The eligibility was denied for the site and the EPC will take appropriate action.

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.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A5

Date of EPC Meeting: April 18, 2019

Subject: 2019 First Quarter Action Plan Updates

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: None – Informational Only

Brief Summary: For the past eight years, EPC staff has developed a series of action plans each year. These measurable action plans address various initiatives which support the Agency's strategic priorities. The quarterly updates for all open action plans are listed. Three new action plans are being initiated for 2019, and the owners are currently developing the details and benchmarks for each.

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 Commission and requested separately as needed.

List of Attachments: Quarterly Update for 2019 Action Plans


Background: As part of the Agency's strategic planning process and philosophy of continuous improvement, staff has held periodic strategic planning retreats. These included input from the Commission 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 over sixty of these initiatives.

The action plans were created to reflect the Agency's strategic objectives, and each initiative was described in an individual action plan with measurable goals. The attachment reflects the update as of the end of the first quarter of 2019 on the status of the action plans that remain open from previous years.

During the most recent strategic planning meeting in January 2019 EPC staff proposed three new action plans for 2019. The topics for each have been chosen, and each new owner is currently developing an outline which identifies the details, goals, estimated costs, and specific actions with deadlines that summarize the intended process for completion. Once they are formally initiated, they will appear in future quarterly report summaries.

The owners of select action plans may be scheduled to present an overview of their project to the Commission at regularly scheduled EPC Commission meetings.


Quarterly Update for 2018 Action Plans

Strategic Objective	Action Plans	2018 Year End Goal	Status
Environmental Stewardship & Outreach	1.3 Support Scouting	Establish Relationship with Girl Scouts (GS) and Boy Scouts (BS) of America.	Completed. Identified liaisons with GS & BS Councils to partner with on initiatives.
		Facilitate additional partnerships for scouting events as feasible.	Completed. Discussed potential partnership opportunities with the following organizations: Keep Tampa Bay Beautiful, Florida Aquarium, EPC Wetland Walks, TECO, ELAPP, HC Sustainability Office.
		Coordinate and/or host at least 2 educational environmental experiences with the Scouts. Assemble committee or event staff as needed.	Completed. May Wetland Walk with BS, June GS Stem Camp <i>Make it Green Make it Clean</i> , June GS <i>STEM Camp Field Trip</i> Tour of EPC. Worked with EPC staff to host events.
		Invite Scout contact(s) to tour EPC to learn more about our agency and partnership potential.	Completed. April Tour of EPC by GS Executive Staff.
		Develop draft activity/program for Advisor approval. Distribute information to Division reps/ or designated staff for program participation.	Completed. Activities reviewed with Advisor. Supplemental review and coordination to be completed as additional initiatives or events are identified.
		Evaluate feasibility and partnership potential for future educational environmental experiences with the Scouts.	Ongoing. Working with partnership organization to establish connections for future outreach opportunities with GS & BS (Solar Co-Op, Keep Tampa Bay Beautiful, Florida Aquarium, EPC Wetland Walks, TECO, ELAPP, etc.)
		Evaluate Program, Develop recommendation for Future Activities, Action Plan Closeout.	To Be Completed by Summer 2019.

Quarterly Update for 2017 Action Plans

Strategic Objective	Action Plans	2018 Year End Goal	Status
<p>Customer Partner Excellence/ Partner & Stakeholder Relationships</p> 	<p>1.3 Agency Branding</p>	<p>Establish committee and identify immediate branding opportunities.</p>	<p>Completed. Committee formed and meetings held to define objectives and brainstorm branding ideas. Reviewed Market Analysis Report, and evaluated existing and new outreach opportunities.</p> <p>Standardized Signature Block – approved and deployed to staff with guidelines and instructions in January.</p> <p>Sign proposal – obtained quote for installation and manufacture, initiated design, procured funding.</p> <p>Initiated research for the vehicles decals.</p> <p>Reviewed intranet and internet branding OFIs.</p>
	<p>Implement available immediate branding opportunities.</p>		<p>Ordered EPC website vehicle decals (thru Riz Graphix) – replaced on vehicles as fleet provides service.</p> <p>New, round EPC logo road signs (thru NTS) purchased and to be installed shortly. One additional small logo was produced for the building.</p> <p>Tablets updated with formsite survey questionnaire to use at events and field tested at outreach events.</p> <p>Gatefold brochures developed and printed for distribution.</p> <p>Internet forms updated with new logo. Publication link updates continue, most recently Waste fact sheets.</p>
	<p>Set priorities on future action and other available branding opportunities.</p>		<p>Attended two communication courses to assist with emergency communications prospects and for ideas for the Communications Plan.</p> <p>Met with WFLA regarding Outdoor Expo – branding and PSA opportunity. WFLA proposal received. Pending evaluation by committee and advisor - cost vs benefit. Research alternative ideas.</p> <p>Newsletter – develop a team from each division to help research and pool ideas for a quarterly newsletter, with goal to publish a quarterly Ecolink update. Will solicit direction from Senior Staff regarding prioritization of project.</p>
	<p>Develop, implement, and evaluate effectiveness of Communication Plan.</p>		<p>Ongoing.</p>
	<p>Future recommendations and Action Plan Closeout.</p>		<p>Targeted completion by March 2019.</p>

Quarterly Update for 2017 Action Plans

Strategic Objective	Action Plans	2018 Year End Goal	Status
Employee Training & Leadership Development	2.1 Management Training	Construct a formal training program for all supervisors and managers.	Focus groups conducted. Will meet with committee in early February to evaluate information received in focus groups, prioritize information, and begin drafting process.
		Discuss Purpose of Action Plan Brainstorm as Group	Completed
		Conduct a total of four focus groups	Completed
		Evaluate data received from LEAN analysis and focus group. Set core components of training program based on feedback and assign section leader/assistant.	Completed
		Create Draft Training Plans.	Completed
		Review draft training programs from each team. Meet if necessary to discuss with specific teams. Compile complete draft program.	The goal is to have the draft plans reviewed by the end of February 2019.
		Present draft to Senior Staff / Modify if necessary.	The goal is to present the draft plans to Senior Staff by the end of March 2019.
		Present completed plan to manager/supervisor group and begin program.	The goal is to present the training plan to the manager/supervisor group, discuss deployment – Spring/Summer 2019.
		Action Plan Closeout and incorporate into overall Agency Staff Development Plan.	The goal is for the action plan to be closed out by Summer 2019.

Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2016 Year End Goal	Status
<p>2.1 Successful / Engaged Workforce / Employee Training</p> <div data-bbox="191 573 683 617" data-label="Section-Header"> <h3>Career Development Model</h3> </div> <div data-bbox="89 646 787 1102" data-label="Diagram"> <p>The diagram is a circular model divided into four quadrants, each with a corresponding list of sub-points:</p> <ul style="list-style-type: none"> CREATE YOUR FUTURE (Orange): <ul style="list-style-type: none"> Personal Career Branding Job Search Documents Social & Online Networking Applications & Interviews Work Experience KNOW YOUR VALUE (Green): <ul style="list-style-type: none"> Values Interests Strengths Personality Ambitions PLAN YOUR ACTIONS (Blue): <ul style="list-style-type: none"> Decision Making Goal Setting Prioritizing Tasks Action Planning Reality Testing EXPLORE YOUR OPTIONS (Purple): <ul style="list-style-type: none"> Industry Trends Occupational Research Educational Paths Work Environments Career Options <p>At the bottom center of the diagram is the logo for CPC (Career Pro Canada) with the website address www.CareerProCanada.ca.</p> </div>	<p>Career Development Program</p>	<p>Finalize list of career development opportunities. Obtain approval. (Step 5)-In progress</p>	<p>4/10/19 Presented electronic PGAP submittal process to senior staff on February 4, 2019. The decision was made to close out the action plan as completed. Staff Development Training Committee will remain a standing committee and oversee the finalization of incorporating and maintain the other 2 action plans (staff development training and management training) that were associated with this overall action plan. A closure form will be completed for this action plan and the future steps will be completed after action plan is closed out.</p> <p>Future steps :Roll out link & directions to staff. Conduct 2 additional training sessions on PGAP (to include electronic submittal). Perform survey monkey to poll use of form.</p>
<p>Action Plan Closeout.</p>			



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A6

Date of EPC Meeting: April 18, 2019

Subject: Select Performance Measure Goals for 2019

Agenda Section: Consent Agenda

Division: Executive Director Report

Recommendation: None – Informational Only

Brief Summary: As part of the EPC staff's strategic planning, the Agency measures key activities and set goals for 2019. These are tabulated and periodically presented to the Commission in the consent agenda.

Financial Impact: No Financial Impact.

List of Attachments: Table Titled 2019 Goals

Background: The Agency measures performance for all five of its core functions. These core functions include permitting, compliance assurance, citizen support & outreach, 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 Commission. This is an integral part of the continuous improvement required by the Agency's strategic planning.

2019 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2016	2017	2018	2019 (1st Qtr)	2019 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	17 days	16 days	16 days	21 days	Less Than or Equal to 30 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	44 days	45 days	50 days	49 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	22 days	28 days	26 days	26 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	93%	85%	95%	88%	Greater Than or Equal to 90%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	98% in 3 Days	98% in 3 Days	98% in 3 Days	98% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	95%	100%	93%	88%	Greater Than or Equal to 90%



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A7

Date of EPC Meeting: April 18, 2019

Subject: Website Services – Amended Agreement with Granicus Inc

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: Approve amending the website services agreement memorializing Granicus replacing Vision Technology Solutions and authorize the Chair to execute any necessary agreement and future non-substantive modifications.

Brief Summary: EPC entered an agreement with Vision Technology Solutions for website development and maintenance services in 2016. In 2018, Vision Technology Solutions was purchased by Granicus Inc. Granicus continues to provide the services for our website in accordance with our original agreement, but a formal agreement recognizing Granicus will facilitate payment and other administrative matters.

Financial Impact: No Financial Impact

List of Attachments: None

Background: In December of 2016, the EPC entered an agreement with Vision Technology Solutions, LLC (Vision Technology) for their website development, hosting, and maintenance services. The current agreement is for 5 years and \$150,417. Most of the cost was associated with the initial year for the design and development of the current website with hosting and maintenance costs following each year. The following is a breakdown of the yearly costs: Year 1 - \$91,420 (2017); Year 2 - \$11,000; Year 3 - \$15,225; Year 4 - \$15,986; and Year 5 - \$16,786.

In February of 2018, Vision Technology was purchased by Granicus Inc (Granicus). The parties currently are in Year 3 of the agreement. Granicus continues to provide the services and maintenance for our website in accordance with our original agreement. Granicus issued an invoice for Year 3 in the amount of \$15,225. County Procurement requested that Granicus be formally listed in the agreement to assist with payment of current and future invoices. There is no change in the cost of the project. Staff requests the Commission approve entering an amendment, novation agreement, or similar document formally recognizing Granicus as the current provider of services in lieu of Vision Technology; and authorize the Chair to execute any necessary above-described document and future non-substantive modifications.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C1

Date of EPC Meeting: April 18, 2019

Subject: Pollution Recovery Fund (PRF) Allocation for Replacement of Water Monitoring Vessel

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Approval of PRF Funding to Replace Monitoring Vessel

Brief Summary: Staff will provide an overview of the need to replace one of EPC's aging boats that is used for multiple monitoring programs related to water quality, the artificial reef program, seagrass monitoring, benthic sampling, and Pollution Recovery Fund grant project monitoring.

Financial Impact: \$60,000 from the EPC Pollution Recovery Fund

List of Attachments: None

Background: One of EPC's larger boats, the 23ft. Aluminum Chambered Boat, is now 16 years old and approaching the end of its useful life. It has begun to incur increasingly large repair costs related to hull and fuel tank repairs and other critical components. This vessel is used for multiple monitoring programs related to water quality, the artificial reef program, seagrass monitoring, benthic sampling, and Pollution Recovery Fund grant project monitoring. Staff is requesting approval of \$60,000 from EPC's Pollution Recovery Fund (which will be combined with existing Fleet replacement funding from PRF) to replace this vessel with a new, equivalent vessel. Use of Pollution Recovery Funds for this purpose is authorized by Chapter 1-9, Rules of the EPC as well as by Chapter 84-446 Laws of Florida, as amended. The vessel to be replaced was also purchased with PRF funding.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C2

Date of EPC Meeting: April 18, 2019

Subject: 2019 Florida Legislative Update on Environmental Legislation

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Informational Report

Brief Summary: The regular session of the Florida Legislature convened on March 5, 2019 and adjourns on May 3, 2019. EPC staff will provide updates on various environmental and administrative bills. The original version of House Bill 3 contained extreme local government preemption concepts that the EPC voted to oppose; the bill has been narrowed in scope as it made its way through committees.

Financial Impact: No Financial Impact

List of Attachments: None

Background:

The regular session of the Florida Legislature convened on Tuesday, March 5, 2019. April 23, 2019 (50th day) is the last day for regularly scheduled committee meetings. The 60-day regular session should adjourn on May 3, 2019. This session has had a higher volume of bills filed, including environmental bills. EPC staff reviews environmental and administrative bills to determine if they may impact the EPC's functions and budget. The Commission approved a basic legislative strategy (EPC Policy No. 2007-02) on March 15, 2007, that gives staff and the Chair continuing direction to monitor, comment on, and lobby for, among other things, bills that impact the functions of the EPC. Below is a summary of some relevant bills:

WETLAND MITIGATION

SB 532 by Senator Lee

HB 521 by Representative McClure

In accordance with State law, the adverse impacts of wetland destruction may be offset by the creation, maintenance, and use of wetland mitigation banks. Initial proposals in [House Bill 521](#) by Representative McClure and [Senate Bill 532](#) by Senator Lee allowed governmental entities more flexibility in selling wetland mitigation bank credits if no private wetland mitigation bank credits are available, but that has been revised as discussed below. With limited exception, Section 373.4135, Florida Statutes (F.S.) prohibits governmental entities from creating wetland mitigation banks for

projects (other than their own) on lands purchased for conservation. The existing law favors the use of private mitigation banks. Currently governments can only establish mitigation banks on lands not purchased for conservation and offer those credits to third parties only if the same financial assurance required of private companies is acquired.

Senate Bill 532, as amended in committee, would allow the private permittee to construct mitigation (via enhancement or restoration) on land owned by the government if other mitigation banks are unavailable. Previous versions of the bills would have allowed the County to do the mitigation and sell credits, but bill amendments appear to require a private entity to perform the mitigation on the government land. SB 532 has passed all committees. House Bill 521, as amended in committee, is now identical to SB 532 and it has also passed all committees. Both bills must now be voted on by their full chambers. These two bills give local governments more ability to offer land to other entities that need to construct mitigation.

STATE SHARED REVENUES (Commerce)

SB 594 by Senator Hutson

[Senate Bill 594](#) by Senator Hutson states that upon a request by any State Legislator, the “Attorney General shall investigate any ordinance, regulation, order or other official action adopted or taken by the governing body of a county or municipality which impacts commerce and which [Legislative] member . . . allege[s] violates state law or the State Constitution.” If the Attorney General (AG) finds that a violation occurred or likely occurred (i.e. commerce has been impeded in violation of State law or the Constitution), the AG must initiate a civil action for declaratory or injunctive relief. If the Circuit Court finds a violation occurred, the City or County has 30 days to remedy the violation. If the City or County fails to remedy the violation, the AG shall petition for and the circuit court shall issue an order directing the Department of Revenue to withhold a share of revenues apportioned to the subject government. This mandatory investigation and the resulting mandatory litigation may result in a significant increase in legal expenses for governments for legitimate but debatable regulations. The bill has not been heard by one committee nor has a House companion, thus it appears it will not survive this session.

PREEMPTION OF LOCAL REGULATIONS

HB 3 by Representative Michael Grant

SB 1748 by Senator Perry

[House Bill 3](#) by Representative Michael Grant as originally drafted prohibited local governments from adopting new regulations on businesses after July 1, 2019, unless the regulation meets very detailed criteria including but not limited to showing that is required for public health and safety or a minimal use of police power, performing a cost analysis, adopting the lowest cost method, requiring a two-thirds vote by the local legislative body, and requiring the regulation to sunset within two years unless renewed. This was one of the strongest local government pre-emption bills proposed and would have severely impacted EPC’s regulatory functions. The EPC Commission voted to oppose the bill on February 21, 2019, and opposition letters signed by the Chair were sent to select legislators. After much opposition, the bill has been revised to focus on licensing. Specifically, it states, “licensing of occupations is expressly preempted to the state, and this section supersedes any

local government licensing requirement of occupations with the exception of...” local licensing laws enacted before July 1, 2019, or local licensing laws allowed by general law. Nonetheless, the 2019 grandfathering would expire in 2021. The bill has passed all committees and will be voted on by the full House. This revised bill will have little to no impact on EPC regulatory functions. We will continue to track it, especially if it could impact local regulation of fertilizer application licensing. [SB 1748](#) contains the original HB 3 pre-emption language the EPC opposes. It has not been heard in any committee.

PREEMPTION OF RECYCLABLE AND POLYSTYRENE MATERIALS (Plastic Bags and Styrofoam)

SB 88 by Senator Stewart

Currently, no government can enact any law “regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.” This bill deletes that prohibition. Similarly, the bill repeals the preemption of local laws regarding the use or sale of polystyrene products (Styrofoam) to the Florida Department of Agriculture and Consumer Services. Thus, [Senate Bill 88](#) repeals prohibitions (pre-emption) of local regulation of plastic bags and Styrofoam. The bill has not been heard in any committee.

SINGLE-USE PLASTIC STRAWS (SB 502 also includes Plastic Bags)

SB 588 by Senators Hutson and Bradley

HB 603 by Representatives Sabatini, Fine, Hill, McClure, Perez, and Roach

SB 502 by Senator Rader

HB 1299 by Representative Roach

[Senate Bill 588](#) as originally drafted provides that a food service establishment (e.g. - restaurant, convenience store, grocery store) may distribute a single-use plastic straw to a customer only if requested to do so by the customer. It also states, “The regulation of single-use plastic straws is preempted to the state. A municipality, county, or other local governmental entity may not adopt, enforce, or implement any ordinance, rule, or law that would further restrict a food service establishment from distributing single-use plastic straws to customers.” This bill was entirely revised, and no longer addresses straw pre-emption, but now pre-empts local regulation of over-the-counter drugs and cosmetics.

[House Bill 603](#) originally was identical to SB 588. It has since been revised to prohibit any local regulation of plastic straws until after July 2024. The State must conduct a study regarding the impact of straws. If no law is passed by the State in 2024, then the local government regulation moratorium will be lifted. The revised bill has been assigned to three new committees.

[HB 1299](#) which had no straw pre-emption language at the beginning of the session, was recently revised to add a total local government pre-emption of straw regulation. This passed all committees.

[Senate Bill 502](#) prohibits a store (e.g. – pharmacy, convenience store, retail, etc.) or food service business (e.g. – restaurant, grocery store, food truck, etc.) from providing a carryout bag made of

plastic. It provides fines of \$500 for the first time and \$1000 for subsequent times. This bill has not been heard in any committee.

FRACKING BAN

- SB 314** by Senators Montford, Stewart, and Berman
- HB 7029** by Ag. & Nat. Resources Subcom. and Representative Raschein
- HB 239** by Representatives Fitzenhagen, Jenne, and Plasencia
- SB 146** by Senators Stewart, Berman, Book, and Torres
- SB 7064** by Agriculture

Hydraulic fracturing, “well stimulation,” or “fracking” is a method of extracting oil or gas by injecting high volumes of fluids into a rock formation in order to propagate fractures that release trapped oil or gas. The Florida DEP currently regulates well stimulation but lacks a detailed law or rule to give the DEP staff guidance on how to regulate it. In 2016 and 2017, bills failed that attempted to further regulate it. In 2018, there were many bills proposing a ban on fracking, but all failed.

[SB 314](#) proposes a ban on fracking. It has heard in 1 of 3 committees.

[HB 7029](#) proposes a ban on fracking but contains loopholes that would allow for certain kinds of well stimulation. It has passed 1 of 2 committees.

[HB 239](#) proposes a ban on fracking. It has passed 1 of 2 committees.

[SB 146](#) proposes a ban on fracking. It has not been heard in any committee.

[SB 7064](#) proposes a ban on fracking, but allows for drilling in the Everglades with certain bonds in place. This has passed 2 of 3 committees.

SEPTIC TANKS

- HB 973** by Ag. & Nat. Resources Subcom. and Representative Payne
- SB 1022** by Senator Albritton

[HB 973](#) and [SB 1022](#) both propose transferring the onsite sewage (septic tank) regulatory program at the Department of Health to the Department of Environmental Protection by January 2020. It has passed 2 of 3 House committees and 1 of 3 Senate committees. This transfer is also proposed in SB 1758.

WATER QUALITY IMPROVEMENTS

- SB 1758** by Senator Mayfield
- HB 1395** by Representative Raschein

[SB 1758](#) and [HB 1395](#) are omnibus water quality improvement bills. They primarily revise the basin management action plan (BMAP) laws. For example, the bills require local governments with waters substantially impaired by septic tanks to propose remediation programs. Also notable, if a local government facility has a sewage spill into water, the government must notify customers within 24 hours and it disqualifies the local government from specific water quality grant programs, until the spill is remediated. It has passed 2 of 3 Senate committees. It requires daily fines until remediation. The House version also says if there is a local government sewage spill they cannot issue building permits, until the spill is remediated. The House bill has not been heard by any committee.