

**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**  
**September 19, 2019**

**Location**  
601 E. Kennedy Blvd., Tampa  
County Center, 2<sup>nd</sup> 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. RECOGNITIONS**  
*Retirement of Richard Tschantz, Esq. after 19 years of service with the EPC as General Counsel and Director of the Legal and Administrative Services Division*
- 5. PUBLIC COMMENT - Each speaker is allowed 3 minutes unless the Commission directs differently.**
- 6. APPROVAL OF CONSENT AGENDA**

**Consent Agenda Items**

- a. Approval of EPC Meeting Minutes – August 15, 2019..... 2
- b. Monthly Activity Reports – August 2019..... 6
- c. FY2019 Pollution Recovery Fund Budget..... 8
- d. Legal Case Summary ..... 10
- e. Interlocal Agreement with Hillsborough County for Provision of Water Quality Sample Collection & Laboratory Services ..... 13

- 7. PUBLIC HEARING**  
None

- 8. REGULAR AGENDA**
  - a. 2019 EPC Annual Report..... 20
  - b. Briefing on the Executive Director Evaluation Procedure ..... 21
  - c. 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 # 6.a.

**Date of EPC Meeting:** September 19, 2019

**Subject:** Approval of August 15, 2019 EPC meeting minutes

**Agenda Section:** Consent Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Approve the August 15, 2019 EPC meeting minutes.

**Brief Summary:** Staff requests the Commission approve the meeting minutes from the Commission meeting held on August 15, 2019.

**Financial Impact:** No Financial Impact

**List of Attachments:** Draft copy of the August 15, 2019 EPC meeting minutes.

**Background:** None.

AUGUST 15, 2019 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, August 15, 2019, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Pat Kemp and Commissioners Ken Hagan, Sandra Murman, Kimberly Overman (arrived at 9:04 a.m.), Mariella Smith, and Stacy White.

The following members were absent: Commissioner Lesley Miller Jr.

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

▶ Chairman Kemp called the meeting to order at 9:01 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, referenced changes listed on the addendum. ▶ **Commissioner Murman moved the changes, seconded by Commissioner Overman, and carried six to zero.** (Commissioner Miller was absent.)

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

4. RECOGNITIONS

Congratulations to Mses. Christina Bryant, General Manager Wetlands Management Division, and Steffanie Wickham, General Manager Waste Management Division, for completing the Florida Certified Public Manager program.

▶ Ms. Dougherty recognized Mses. Wickham and Bryant. ▶ Messrs. Hooshang Boostani, Director, EPC Waste Management Division, and Andrew Schipfer, Director, EPC Wetlands Division, included statements.

5. PUBLIC COMMENT - ▶ None.

6. APPROVAL OF CONSENT AGENDA

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - May 16, 2019
2. Monthly Activity Reports - May, June, July 2019

THURSDAY, AUGUST 15, 2019

3. Fiscal Year 2019 Pollution Recovery Fund Budget
4. Legal Case Summary
5. Action Plans Quarterly Update
6. Select Performance Measure Goals Quarterly Update

▶ **Commissioner Murman moved approval, seconded by Commissioner Overman, and carried six to zero.** (Commissioner Miller was absent.)

B. PUBLIC HEARING - None.

C. REGULAR AGENDA

1. Coastal Resiliency - Presentation by Tampa Bay Estuary Program

▶ Commissioner Smith and Ms. Dougherty gave an introduction. Following dialogue, ▶ Ms. Maya Burke, Tampa Bay Estuary Program, expounded on a presentation. ▶ Commissioner Smith remarked on County responsibility with regard to rising sea levels. Commissioner Overman asked how the agencies/groups worked with the Florida Department of Transportation regarding design and long-term planning considerations. ▶ Chairman Kemp inquired on the rate of sea level rise, cited the presentation data on contributing factors, solicited greenhouse gas reduction measurements, and ▶ referenced dyke walls as flood control. In answer to Commissioner Smith, ▶ Mr. Kevin Moran, Environmental Services, spoke on the vulnerability assessment. Comments ensued.

2. Executive Director's Report

▶ Ms. Dougherty summarized background material. ▶ Commissioner White requested staff send a one copy of the letter to the Manatee County Commission and another copy to Commissioner White to include the packet to the congressman with the letters of support for the initiative. EPC General Counsel Richard Tschantz sought clarification on how the letters would be addressed and distributed information. ▶ **Commissioner White moved that, number one, the item was an EPC Board-approved letter, and number two, the EPC give Ms. Dougherty EPC Board approval to speak on behalf of the EPC Board when she attended the Manatee County Commission meeting on August 20, 2019, seconded by Commissioner Overman, and carried five to zero.** (Commissioner Hagan was out of the room; Chairman Miller was absent.)

THURSDAY, AUGUST 15, 2019

Ms. Dougherty continued the report. Attorney Tschantz noted the executive director evaluation would be passed out at the September 2019 EPC meeting.

ADJOURN

▶ There being no further business, the meeting was adjourned at 10:19 a.m.

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

ATTEST:  
PAT FRANK, CLERK

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

jh

DRAFT



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 6.b.

**Date of EPC Meeting:** August 15, 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 August 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**

		<b>August</b>	<b>FISCAL YEAR TO DATE</b>
<b>A.</b>	<b><u>Core Function: Citizen Support &amp; Outreach</u></b>		
1	Environmental Complaints Received	125	1276
2	Number of Presentations/Outreach Events	3	80
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	556	6008
<b>B.</b>	<b><u>Core Function: Air &amp; Water Monitoring</u></b>		
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	93.8%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.5%	N/A
3	Number of Noise Monitoring Events	3	27
<b>C.</b>	<b><u>Core Function: Environmental Permitting</u></b>		
1	Permit/Authorization Applications Received	167	1680
2	Applications In-house >180 days	4	N/A
3	Permits/Authorizations Issued	146	1539
4	Petroleum Cleanup Cases	119	1272
<b>D.</b>	<b><u>Core Function: Compliance Assurance</u></b>		
1	Compliance Inspections	390	3847
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	161	1220
3	Compliance Assistance Letters Issued	278	3481
4	Warning Notices Issued	17	147
<b>E.</b>	<b><u>Core Function: Enforcement</u></b>		
1	New Cases Initiated	0	46
2	Active Cases	40	N/A
3	Tracking Cases	52	N/A



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 6.c.

**Date of EPC Meeting:** September 19, 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 8/31/2019**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 752,608	Artificial Reef	\$ 93,339	Minimum Balance	\$ 120,000	
Interest	\$ 19,601	Open Projects	\$ 273,801	Est. FY 20 Budget	\$ 33,339	
Deposits	\$ 120,547			Asbestos Removal	\$ 5,000	
Total	\$ 892,756	Total	\$ 367,140	Total	\$ 158,339	\$ 367,277

PROJECT		Project Amount	Project Balance
<b>FY 16 Projects</b>			
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
<b>FY18 Projects</b>			
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	\$ 43,340
UF Small Farms For Clean Water	10131.102063.581990.5370.1295	\$ 15,750	\$ 15,547
		\$ 135,074	\$ 128,887



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 6.d.

**Date of EPC Meeting:** September 19, 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**  
**September 19, , 2019**

**I. ADMINISTRATIVE CASES**

**Domain Homes, Inc. vs. EPC** [19-EPC-012]: On August 28, 2019, Appellant Domain Homes, Inc. filed a request for an extension of time to file an appeal to challenge the Executive Director's Wetland Impact Denial, Review #68359. The request was granted and the Appellant has until November 4, 2019 to file an appeal.

**Leo Caruso Estoppel Request** [19-EPC-011]: On July 24, 2019, Leo Caruso filed a request for an estoppel determination regarding a permit denial for installation of a boatlift. The matter was assigned to a Hearing Officer to conduct a hearing.

**Justin D. James and Elizabeth James vs. RJG Real Estate, LLC** [19-EPC-010]: On August 13, 2019, the Appellants filed a request for an extension of time to file an appeal to challenge the issuance Minor Work Permit #65476 for the construction of a new dock. The request was granted and the Appellants have until October 14, 2019 to file an appeal.

**Brenda Medina and Pablo Medina vs. EPC** [19-EPC-009]: On June 26, 2019, the Appellants filed a Notice of Appeal challenging the Citation of Violation and Order to Correct, Case No. 2017-1035E, issued on June 6, 2019 for the unauthorized addition to an existing dock and the addition of material to existing rip rap. The Appeal was accepted and assigned to a Hearing Officer to conduct an administrative hearing.

**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 was granted. . On May 13, 2019 the Appellant filed a Notice of Appeal. The Appeal was dismissed with leave to amend and the Appellant had until June 5, 2019 to file an amended appeal. The Appellant filed an amended appeal which was accepted. On June 21, 2019 the appeal was transferred to a Hearing Officer to conduct an administrative hearing. On August 15, 2019 the parties entered into a settlement, the Hearing Officer relinquished jurisdiction back to the EPC on August 19, 2019 and the case has been closed.

**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. Subsequently, the Appellant was granted a second extension and the deadline to file an appeal in this matter is now September 30, 2019.

**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.

**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 attempted unsuccessfully to serve the Defendant. The lawsuit has been amended to include previous owners as the most recent conveyance of the property may have been defective. The amended lawsuit should be served on the Defendants in the near future.

**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 22<sup>nd</sup> 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 was set for trial on June 26, 2019 but has been cancelled pending settlement discussions.

**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. Oral argument was presented by EPC's outside counsel on August 6, 2019, and a decision is pending.

**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 # 6.e.

**Date of EPC Meeting:** September 19, 2019

**Subject:** Interlocal Agreement between the Environmental Protection Commission of Hillsborough County and Hillsborough County for Provision of Water Quality Sample Collection & Laboratory Services.

**Agenda Section:** Consent Agenda

**Division:** Water Management Division

**Recommendation:** Approve Interlocal Agreement between the EPC and Hillsborough County for Provision of Water Quality Sample Collection & Laboratory Services and authorize the Chair to execute the agreement.

**Brief Summary:** Through its National Pollution Discharge Elimination System (NPDES) permits the County is obliged to provide to the State an assessment of ambient surface water quality. An existing Interlocal Agreement provides a cost sharing relationship between EPC and the County for NPDES and TMDL water quality monitoring activities. Both governments propose a new and updated Interlocal Agreement at the same funding level.

**Financial Impact:** The EPC will receive from the County an amount not to exceed \$75,000 for each year until terminated or modified.

**List of Attachments:** Proposed Interlocal Agreement between the Environmental Protection Commission of Hillsborough County and Hillsborough County for Provision of Water Quality Sample Collection & Laboratory Services

**Background:** Through its National Pollution Discharge Elimination System (NPDES) permits the County is obliged to provide to the State an assessment of ambient surface water quality. Additionally, the County is required to comply with Total Maximum Daily Load (TMDL) regulations. The County is able to satisfy these requirements by utilizing the comprehensive water quality monitoring program of the EPC. An existing Interlocal Agreement provides a cost sharing relationship between EPC and the County for NPDES analysis and TMDL collection and analysis activities. The parties have maintained a relationship for these EPC laboratory services via Interlocal Agreements since March of 2002. The most recent Interlocal Agreement was executed on September 18, 2013. The funding remains at the existing level of \$75,000 for each year until terminated or modified.

**INTERLOCAL AGREEMENT**  
**Between the**  
**Environmental Protection Commission of Hillsborough County**  
**and**  
**Hillsborough County**  
**For Provision of Water Quality Sample Collection & Laboratory Services**

THIS INTERLOCAL AGREEMENT, hereinafter referred to as “Agreement” is made and entered into by and between Hillsborough County, a political subdivision of the State of Florida (“COUNTY”) and the Environmental Protection Commission of Hillsborough County (“EPC”), a political subdivision of the State of Florida.

**WITNESSETH:**

**WHEREAS**, it is the purpose and intent of this Agreement, the parties hereto, and Section 163.01, Florida Statutes, known and referred to as the Florida Interlocal Cooperation Act of 1969 (“Cooperation Act”), to permit and authorize the COUNTY and EPC to make the most efficient use of their respective powers, resources, authority and capabilities by enabling them to cooperate on the basis of mutual advantage and thereby provide the services and efforts provided for herein in the manner that will best utilize existing resources, powers and authority available to each of them; and,

**WHEREAS**, it is the purpose of the Cooperation Act to provide a means by which the COUNTY and EPC may exercise their respective powers, privileges and authority which they may have separately, but which pursuant to this Agreement and the Cooperation Act they may exercise collectively; and,

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

**WHEREAS**, EPC’s activities include, but are not limited to, environmental monitoring, collection, and analysis in Hillsborough County, to determine compliance with environmental laws and regulations and the health of our environment; and,

**WHEREAS**, the COUNTY is also required, pursuant to its National Pollutant Discharge Elimination System (NPDES) permit, to ensure that facilities in the COUNTY which connect to and discharge into the COUNTY Stormwater system, meet pollution standards and required periodic routine monitoring in order to measure the success of Stormwater treatment/management in Hillsborough County; and,

**WHEREAS**, the COUNTY currently benefits from EPC’s surface water quality monitoring programs, sharing of data, information, and laboratory services; and,

**WHEREAS**, the EPC and the COUNTY have determined that it is in the best interest of both parties to have the EPC perform additional water quality sampling and analysis to assist the

COUNTY with the implications of Total Maximum Daily Load (TMDL) regulations that the COUNTY must comply with, on selective Stormwater related discharges or areas; and,

**WHEREAS**, the EPC and the COUNTY agree that a contractual agreement evidencing their understanding and efforts to their respective environmentally related activities will benefit both the EPC and the COUNTY, as well as facilitate a more efficient allocation of resources to achieve a common goal of good surface water quality; and

**WHEREAS**, the previous Interlocal Agreement was executed on September 30, 2013 and,

**WHEREAS**, the EPC and the COUNTY agree that entering into a new Interlocal Agreement will continue to benefit both the EPC and the COUNTY, as well as facilitate a more efficient allocation of resources.

**NOW, THEREFORE**, the COUNTY and EPC hereby agree as follows:

This is an agreement for EPC Water Quality Sample Collection & Laboratory Services for NPDES and TMDL monitoring, to be funded by the COUNTY in the amount of \$75,000 per fiscal year.

#### **PART I - EPC RESPONSIBILITIES**

- A) The EPC, via the Water Management Division, shall collect and/or analyze water quality samples for the evaluation of TMDLs, and/or the COUNTY's federal NPDES permit requirements. The sites for collection of samples by EPC staff per this agreement will be mutually agreed upon by the EPC and the COUNTY. Up to five (5) of the sites are temporary sites for evaluating the highest priority waterbodies as determined annually by the COUNTY and agreed upon by EPC. The EPC will provide the results of these sample analyses to the COUNTY in a timely manner in an electronic format based on existing EPC software.
- B) The EPC Water Management Division will provide sample collection and analysis services and process the samples requested by the COUNTY, but further conditioned as follows:
  - 1) The number of County sample locations (monitoring stations) is limited to an amount that can be performed within the \$75,000 funding level and within the logistical capabilities of the EPC monitoring program, but shall be no more than sixty-nine (69) County stations per quarter and sixteen (16) EPC stations per quarter.
  - 2) The samples will be analyzed for the following parameters: Chlorophyll, including Pheophytin, Enterococci, Fecal Coliform, E. Coli, Ammonia, Total Kjeldahl Nitrogen, Nitrate-Nitrite, Organic Nitrogen, Total Nitrogen, Ortho-phosphorus, Total Phosphorus, Color, Turbidity, PH, Temperature, Conductivity, Salinity, Total Dissolved Solids, and Dissolved Oxygen.
  - 3) Any increase in the sampling level will be subject to written EPC approval, but without need for a formal modification to this Agreement.

- 4) If, at any time, a sample site is determined to be invalid (no flow, dry, etc.) by EPC, then the EPC will notify the County and the County shall have the right to request that a mutually agreed upon replacement site be used instead.
- C) This Agreement is solely intended to pay for the cost of the agreed upon TMDL and NPDES samples, but does not specify what staffing level is required at the EPC to accomplish the mission. Nonetheless, the EPC is expected to perform the following functions:
- 1) Maintaining, calibrating, and performing quality assurance audits on the field equipment used to collect additional surface water samples from locations within the County for which water quality information is needed to support the TMDL and NPDES implementation programs;
  - 2) Collecting, preserving, maintaining proper chain of custody, and delivering the samples to the laboratory;
  - 3) Preparing chemical reagents, maintaining inventories of laboratory equipment and supplies, maintaining sample logs and compiling statistical data;
  - 4) Performance of laboratory tests to determine the chemical, physical and microbiological characteristics of water samples using standard chromatographic, atomic absorption and/or colorimetric analytical techniques; and
  - 5) Assisting in data entry and database management tasks necessary to incorporate information from the additional samples into the EPC water quality database and the Florida Department of Environmental Protection's (FDEP) Watershed Information Network (WIN) database, if applicable.
- D) EPC retains the right to impose restrictions on this workload if it conflicts with EPC's existing programs, holidays, equipment problems, staff shortages, furloughs, space shortages, emergency situations, budget shortfalls, etc. Without modification to this agreement, EPC will not perform any new analysis that it does not currently perform, and will not perform any analysis requiring staff overtime or weekend work.
- E) EPC will provide all pre-cleaned sample collection bottles with labels or ID tags if requested by the COUNTY at no additional charge.
- F) EPC will provide the COUNTY with final laboratory reports in a timely manner in an electronic format based on existing EPC software. This information will be sent via e-mail to the appropriate County staff. Data from EPC's other routine surface water-monitoring program will also be made available annually or more frequently at no charge to the COUNTY.

## **PART II - COUNTY RESPONSIBILITIES**

- A) As consideration for the water quality samples that EPC will collect and analyze to provide technical support for the COUNTY'S TMDL and NPDES implementation, the COUNTY will provide the EPC annual funding of \$75,000 billed annually in October at the beginning of each COUNTY fiscal year by means of an Inter-



Organization Charge form process, resulting in the actual transfer of the funds to EPC. The COUNTY will share in the responsibility for TMDL and NPDES sample collection, at a minimum by coordinating with the EPC staff as to when and where to collect samples.

- B) The COUNTY agrees to abide by all of the provisions in Part I and will make every attempt to notify EPC Laboratory staff of planned sampling events so that EPC can prepare for these samples and make the actual laboratory analytical process more efficient.
- C) Unless otherwise provided for in this Agreement, the COUNTY shall be responsible for field quality procedures, chain of custody documentation, sample deliveries to EPC, and sample holding time or sample preservation issues for any samples collected by COUNTY staff.

### **PART III - MUTUAL CONSIDERATION**

- A) EPC and COUNTY staff will review the implementation of the program at least annually to determine the effectiveness of the program and to set the priority sampling locations.
- B) The COUNTY and EPC have evaluated the potential impact on EPC, the parameters of concern, and the costs of analysis of lake and stream samples on a monthly and storm-event basis. It is perceived that benefits of such an agreement will accrue to the COUNTY by providing ready access to state-approved, top-quality laboratory services, and EPC will also benefit by obtaining a more comprehensive and consistent database of information regarding the status of water quality in the County.
- C) But for the exceptions noted herein, modifications to this Agreement must be by formal agreement of the parties.
- D) This Agreement shall be effective beginning October 1, 2019. This Agreement shall not have a specific termination date, but either party may terminate this Agreement by providing written notice of intent to terminate to the other party via hand delivery or certified mail. The termination will be effective thirty (30) days after receipt of the written notice.
- E) This Agreement rescinds and replaces all previous Interlocal Agreements and amendments thereto regarding EPC providing sample collection and chemical analysis of water quality samples for the COUNTY.
- F) In case of termination by either party, all documents and other items prepared or acquired pursuant to this Agreement and in the possession of EPC shall be immediately forwarded and turned over to the COUNTY, but no later than 30 days following the termination date. Upon notice of termination, EPC shall immediately cease all Agreement activities, except EPC shall complete the analysis of all TMDL and NPDES samples collected as of that date. The funding for samples for the fiscal year of termination shall be prorated on a daily basis through the date of termination. EPC shall reimburse COUNTY the balance of the funding for the remainder of that fiscal year from date of termination.

**PART IV - RECORDING:**

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

**IN WITNESS WHEREOF**, the COUNTY and EPC have caused this Interlocal Agreement for Provision of Water Quality Sample Collection & Laboratory Services to be approved as of the dates noted below.

ATTEST:

PAT FRANK  
CLERK OF CIRCUIT COURT

HILLSBOROUGH COUNTY  
BOARD OF COUNTY COMMISSIONERS

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

By: \_\_\_\_\_  
Lesley "Les" Miller, Jr., Chairman  
Board of County Commissioners

(OFFICIAL SEAL)

Date: \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Senior Assistant County Attorney

ATTEST:

ENVIRONMENTAL PROTECTION  
COMMISSION OF HILLSBOROUGH  
COUNTY

By: \_\_\_\_\_  
WITNESS

By: \_\_\_\_\_  
Pat Kemp, Chair  
Environmental Protection Commission

Date: \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
EPC Attorney



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 8.a.

**Date of EPC Meeting:** September 19, 2019

**Subject:** 2019 EPC Annual Report

**Agenda Section:** Regular Agenda

**Division:** Executive Director Report

**Recommendation:** Receive report from the Executive Director and provide guidance as necessary

**Brief Summary:** The Executive Director will be delivering the EPC Annual Report. This presentation will cover the state of the local environment in 2019. The theme of this year's report is "An Eye on the Future." The presentation will include air and water quality monitoring data as well as activities reflective of the Agency's core functions.

**Financial Impact:** No Financial Impact

**List of Attachments:** None.

**Background:** The EPC Annual Report is provided to update the Commission on environmental protection efforts and environmental conditions within Hillsborough County as it relates to waste management, wetland protection, and air and water quality. Significant events will be mentioned and some trends detailed. This report is typically delivered each Fall and repeated at various speaking engagements throughout the rest of the year.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 8.b.

**Date of EPC Meeting:** September 19, 2019

**Subject:** Executive Director's Evaluation Procedure

**Agenda Section:** Regular Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Receive Evaluation Forms

**Brief Summary:** Executive Director evaluation forms will be distributed during the EPC Commission meeting. These forms have been used in the past to evaluate the performance of the EPC Executive Director. In the near future, Ms. Dougherty will be providing a Self-Evaluation to assist the Commissioners in objectively measuring her performance. She would also welcome personal meetings with any Commissioner who wishes one. Please complete the evaluation form and return them to Commissioner Kemp's office by October 10, 2019. The results will be compiled and presented during the next EPC Commission meeting, currently scheduled for October 17, 2019.

**Financial Impact:** No Financial Impact

**List of Attachments:** Assessment Ranking Criteria Sheet; Assessment Sheet

**Background** The Executive Director is evaluated once a year generally following the Agency's Annual Report. In order to assist the Commissioners in their evaluation, each will receive a copy of the Commission approved performance goals for 2019 indicating how the Agency is doing. These were set at the past January meeting and are updated quarterly as part of the agenda backup. Also for the Commission's consideration, the Executive Director provides a self-evaluation and a brief listing of EPC milestones.

# PERFORMANCE EVALUATION

Janet Dougherty, Executive Director  
Environmental Protection Commission of Hillsborough County

October 17, 2019

## ASSESSMENT RANKING CRITERIA

### Ranking: Behaviors & Accomplishments

#### **HIGHEST**

- 5 - Behaviors/Accomplishments are outstanding and as such are obvious to others in County government and to members of the Community.
- 4 - Behaviors/Accomplishments are excellent and recognized as more than just competent in that expectations are exceeded in the area of responsibility.
- 3 - Behaviors/Accomplishments are good in that expectations are consistently met for the areas of responsibility.
- 2 - Behaviors/Accomplishments are adequate but fall below expectations for the area of responsibility.
- 1 - Behaviors/Accomplishments are below an acceptable level of expectations for the area of responsibility.

#### **LOWEST**

**JANET DOUGHERTY  
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION  
2019 ASSESSMENT**

<b>BEHAVIORS</b>							
Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization

<b>ACCOMPLISHMENT OF GOALS</b>				
Environmental Protection Excellence	Successful / Engaged Workforce	Customer/Partner Focused Excellence	Fiscal Responsibility	Continuous Improvement

<b>PERFORMANCE MEASURES ON CORE FUNCTIONS</b>					
Timely Delegated State Permit Processing	Timely Port Authority Permit Processing	Timely Local EPC Permit Processing	Timely Compliance	Timely Complaint Investigations	Timely Enforcement

**Commissioner:** \_\_\_\_\_

**Comments:**