

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



Executive Director
Janet L. Dougherty

General Counsel
Ricardo Muratti

Meeting time
9:00 a.m.

COMMISSION AGENDA
February 27, 2020

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. **RECOGNITIONS and PROCLAMATIONS** (none)
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 – January 28, 2020 2
- b. Monthly Activity Reports FY2020 (January) 6
- c. FY2020 Pollution Recovery Fund Budget 8
- d. Legal Case Summary 10

7. PUBLIC HEARING
None

- 8. REGULAR AGENDA**
- a. Microplastics Research in Tampa Bay 13
 - b. Pollution Recovery Fund Allocation Request 14
 - c. Environmental Legislation Report 15
 - d. EPA Sulfur Dioxide (SO₂) Attainment Designation 18
 - e. Executive Director’s Report

9. DISCUSSION OF FUTURE AGENDA ITEMS

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: February 27, 2020

Subject: Approval of January 28, 2020 EPC meeting minutes

Agenda Section: Consent Agenda

Division: Administration Division

Recommendation: Approve the January 28, 2020 EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on January 28, 2020.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the January 28, 2020 EPC meeting minutes.

Background: None.

JANUARY 28, 2020 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Tuesday, January 28, 2020, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Mariella Smith and Commissioners Ken Hagan, Pat Kemp, Lesley Miller Jr., Sandra Murman, and Stacy White (arrived at 9:13 a.m.).

The following member was absent: Commissioner Kimberly Overman.

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

Chairman Smith called the meeting to order at 9:04 a.m. Commissioner Miller 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 no changes to the agenda.

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

4. RECOGNITIONS AND PROCLAMATIONS

Farewell for Ronald Spiller, Director, Code Enforcement, upon his retirement.

After Ms. Dougherty and EPC General Counsel Rick Muratti acknowledged Messrs. Sam Reчек and Bryce Connolly and Ms. Maddy McConnahey, interns, Ms. Dougherty recognized Mr. Spiller. Dialogue ensued.

Clean Air Fair's 2019 Tampa Downtown Partnership Incorporated's (Tampa Downtown) Urban Excellence Award (Public Sector Category)

Ms. Dougherty introduced Mr. Jeffrey Sims and Mses. Michelle Jenkins, EPC, and Karen Kress, Tampa Downtown, spoke on the item.

Wetlands Day Proclamation

Chairman Smith deferred to Commissioner Kemp, who relayed the proclamation. Mr. Andy Schipfer, Director, EPC Wetlands Division, added remarks.

5. PUBLIC COMMENT - None.

6. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of EPC Meeting Minutes - October 17, 2019
- b. Monthly Activity Reports Fiscal Year (FY) 2020 (October, November, December)
- c. FY 2019/2020 Pollution Recovery Fund Budget
- d. Legal Case Summary
- e. Action Plans Quarterly Update
- f. Select Performance Measure Goals Quarterly Update

Commissioner Murman moved approval, seconded by Commissioner Kemp, and carried five to zero. (Commissioner Hagan was out of the room; Commissioner Overman was absent.)

7. PUBLIC HEARING - None.

8. REGULAR AGENDA

- a. Presentation by University of South Florida (USF) on Study Regarding Microbial Source Tracking funded in part by the EPC's Pollution Recovery Fund

Ms. Dougherty deferred to Mr. Chris Pratt, EPC, and Dr. Valerie Harwood, USF, who gave the presentation. Commissioner Kemp expressed curiosity on septic connections near Bullfrog Creek and septic permitting/enforcement, to which Dr. Harwood and Mr. Sam Elrabi, Director, EPC Water Management Division, responded. Comments followed.

- b. Request to Approve Revisions to Certain Pay Ranges based on Compensation Study

Ms. Dougherty introduced Ms. Elaine DeLeeuw, EPC, who supplied a presentation. **Commissioner Miller moved approval, seconded by Commissioner Murman,** who added comments. Subsequent to discussion on staff retention challenges, **the motion carried five to zero.** (Commissioner Hagan was out of the room; Commissioner Overman was absent.) Ms. Dougherty recognized staff.

TUESDAY, JANUARY 28, 2020

- c. Presentation of Study Regarding Coastal Development Strategies on Long-Term Coastline Changes coauthored by Ms. Kim Tapley Sr., Environmental Manager, Wetlands Division

Ms. Dougherty introduced Ms. Tapley, who supplied the presentation. Commissioner Kemp asked about projected future acreage losses.

- d. Environmental Legislation Report

Ms. Dougherty deferred to Attorney Muratti, who gave the report. Chairman Smith wanted to speak with staff on the report.

- e. Executive Director's Report

Ms. Dougherty relayed the report.

9. DISCUSSION OF FUTURE AGENDA ITEMS

Ms. Dougherty shared staff plans for addressing microplastic/septic challenges.

ADJOURN

There being no further business, the meeting was adjourned at 10:27 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

jh



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 6.b.

Date of EPC Meeting: February 27, 2020

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: Agency monthly report for January FY20

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

FY20

| | | January | FISCAL YEAR TO DATE |
|-----------|---|----------------|--------------------------------|
| A. | <u>Core Function: Citizen Support & Outreach</u> | | |
| 1 | Environmental Complaints Received | 103 | 394 |
| 2 | Number of Presentations/Outreach Events | 3 | 35 |
| 3 | Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.) | 619 | 2137 |
| B. | <u>Core Function: Air & Water Monitoring</u> | | |
| 1 | Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay) | 92.3% | N/A |
| 2 | Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay) | 96.7% | N/A |
| 3 | Number of Noise Monitoring Events | 2 | 9 |
| C. | <u>Core Function: Environmental Permitting</u> | | |
| 1 | Permit/Authorization Applications Received | 159 | 596 |
| 2 | Applications In-house >180 days | 2 | N/A |
| 3 | Permits/Authorizations Issued | 106 | 510 |
| 4 | Petroleum Cleanup Cases | 149 | 569 |
| D. | <u>Core Function: Compliance Assurance</u> | | |
| 1 | Compliance Inspections | 442 | 1321 |
| 2 | Compliance Test Reviews (NOTE: Wetlands reviews included under D.1) | 179 | 577 |
| 3 | Compliance Assistance Letters Issued | 149 | 1051 |
| 4 | Warning Notices Issued | 10 | 63 |
| E. | <u>Core Function: Enforcement</u> | | |
| 1 | New Cases Initiated | 5 | 17 |
| 2 | Active Cases | 43 | N/A |
| 3 | Tracking Cases | 53 | N/A |



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 6.c.

Date of EPC Meeting: February 27, 2020

Subject: Pollution Recovery Fund Budget

Agenda Section: Consent Agenda

Division: Administration 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 20 POLLUTION RECOVERY FUND
10/1/2019 through 1/31/2020**

| REVENUE | | EXPENDITURES | | RESERVES | | NET PRF |
|-------------------|------------|-----------------|------------|-------------------|------------|------------|
| Beginning Balance | \$ 706,379 | Artificial Reef | \$ 33,338 | Minimum Balance | \$ 120,000 | |
| Interest | \$ 3,750 | Open Projects | \$ 169,696 | Est. FY 21 Budget | \$ 33,338 | |
| Deposits | \$ 38,471 | | | Asbestos Removal | \$ 5,000 | |
| Total | \$ 748,601 | Total | \$ 203,034 | Total | \$ 158,338 | \$ 387,229 |

| PROJECT | | Project Amount | Project Balance |
|---------------------------------------|-------------------------------|----------------|-----------------|
| FY18 Projects | | | |
| 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 | \$ 13,393 |
| TBW MacDill AFB Living Shoreline | 10131.102063.582990.5370.1294 | \$ 49,324 | \$ 33,378 |
| UF Small Farms For Clean Water | 10131.102063.581990.5370.1295 | \$ 15,750 | \$ 15,547 |
| | | \$ 135,074 | \$ 112,318 |



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 6.d.

Date of EPC Meeting: February 27, 2020

Subject: Legal Case Summary update

Agenda Section: Consent Agenda

Division: Administration 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

CASE SUMMARY

February 27, 2020

Administrative Cases

| Case No. | Case Style and Summary |
|------------|--|
| 19-EPC-011 | Leo Caruso Estoppel Request: On July 24, 2019, Leo Caruso filed a request for an estoppel determination regarding a permit denial for installation of a boatlift. The Tampa Port Authority took jurisdiction of this matter and granted the applicant a variance and then subsequently issued a permit. The hearing officer relinquished jurisdiction and the case is closed. |
| 18-EPC-012 | Mosaic Fertilizer, LLC Variance Request: 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. |

Civil Cases

| Case No. | Case Style and Summary |
|------------|---|
| LEPC07-018 | Petrol Mart, Inc.: 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. Additional assessment is being conducted at the property at this time. The plan is for the property to be conveyed to the City of Plant City who will conduct any assessment and remediation. |
| 17-EPC-013 | Daniel A. Stumbo: On October 19, 2017, the EPC authorized staff to take appropriate legal action against Daniel 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 has been served on the owner Defendant after a diligent search. No response was filed by the Defendants and the EPC filed a Motion for Default which was entered by the Clerk on January 23, 2020. The Legal Department is preparing to obtain a Default Judgment. |
| 16-EPC-002 | Volkswagen AG, et al.: 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. |
| 15-EPC-007 | U.S. Bankruptcy Court in re Jerry A. Lewis Adversary Proceeding: 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. |
| 14-EPC-011 | Thomas Jennings and Lorene Hall-Jennings: 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 |

| | |
|------------|--|
| | <p>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 but no filings have occurred by the Plaintiff.</p> |
| LEPC10-019 | <p>Boyce E. Slusmeyer: 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 staff were in negotiations with the representative of the property owner who is deceased 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. The EPC is unable to locate a current owner of the property.</p> |
| LEPC09-011 | <p>U.S. Bankruptcy Court in re Jerry A. Lewis: 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.</p> |



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 8.a.

Date of EPC Meeting: February 27, 2020

Subject: Microplastics Research in Tampa Bay

Agenda Section: Regular Agenda

Division: Water Division

Recommendation: Informational Report

Brief Summary: Dr. Amy Suida and Ms. Maya Burke will present the results of recent studies on the emerging science of microplastics monitoring, both in Tampa Bay and worldwide, and provide recommendations for further action.

Financial Impact: No Financial Impact

List of Attachments: None

Background: Recent scientific studies, both in Tampa Bay and other parts of the world, have highlighted some dramatic findings on the presence of microscopic particles of plastics (aka microplastics) in our environment. Dr. Amy Suida with Eckerd College and Ms. Maya Burke with the Tampa Bay Estuary Program will present the findings and recommendations from a study funded, in part, by the Tampa Bay Estuary Program's Tampa Bay Environmental Restoration Fund. They will also address some of the sources of these plastics and provide some context to this emerging science.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 8.b.

Date of EPC Meeting: February 27, 2020

Subject: Pollution Recovery Fund Allocation Request

Agenda Section: Regular Agenda

Division: Water Division

Recommendation: Approve Staff Recommendation

Brief Summary: Staff is requesting approval of an additional \$30,000 from EPC's Pollution Recovery Fund to replace one of our existing boats since the only bid received to replace this vessel came in higher than the original estimate.

Financial Impact: \$30,000 from 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. In April 2019, the Commission approved \$60,000 from the Pollution Recovery Fund to help purchase the new boat based on estimates at that time. Staff is requesting approval of an additional \$30,000 from EPC's Pollution Recovery Fund since the only bid received to replace this vessel came in higher than the original estimate. 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 # 8.c.

Date of EPC Meeting: February 27, 2020

Subject: Environmental Legislation in the 2020 Florida Legislature

Agenda Section: Regular Agenda

Division: Administration Division

Recommendation: Informational Report

Brief Summary: The regular session of the Florida Legislature convened on January 14 and is schedule to adjourn on March 13, 2020. EPC staff will provide updates on various environmental and administrative bills that may impact the EPC or may be of interest to the community.

Financial Impact: No Financial Impact

List of Attachments: None

Background:

The regular session of the Florida Legislature convened on Tuesday, January 14, 2020. March 3, 2020 (50th day) is the last day for regularly scheduled committee meetings. The 60-day regular session should adjourn on March 13, 2020. Legislators have filed many environmental bills and committees have considered and passed many of the bills. EPC staff reviews environmental and administrative bills to determine if they may impact the EPC's functions and budget. The Commission approved a 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.

Although EPC is tracking numerous bills, included below is a summary of just a few notable bills regarding environmental regulation or administrative matters that may impact EPC functions or may be of interest:

HB 1001 / SB 1350 BROWNFIELDS

This bill revises the conditions under which an applicant that has rehabilitated a contaminated site may receive certain tax credits and what projects/activities are eligible for the tax credits. The bill revises the date by which the Department of Environmental Protection (DEP) must issue the annual site rehabilitation tax credit certificate awards. The bill tightens conditions regarding collection of tax credits for affordable housing and clarifies that trusts can be eligible to enter into Brownfields Site Rehabilitation Agreements. To be eligible to participate in the brownfields program a person currently must demonstrate certain levels of job creation; this bill exempts participants from that criteria if the land is to be used for affordable housing, parks, or conservation. Creates liability protection from certain pollution laws for subsequent owners of the property if the previous owner successfully completes all terms of the Brownfields Site Rehabilitation Agreement. The bill also proposes to change the definition of "solid waste disposal area" to identify areas where waste was disposed but the disposal was never permitted by the federal, state or local government. Additionally, the tax credit eligibility requirement further eliminates the requirement that the disposal area was never operated for monetary compensation. This

allows more solid waste areas to be redeveloped under the program. The bill may have minor impacts on EPC's delegation from the DEP. HB 1001 is in its last committee and SB 1350 only passed the first of three committees. See [HB 1001](#) by Representative Stone / [SB 1350](#) by Senator Baxley.

SB 686 / HB 405 STORMWATER MANAGEMENT SYSTEMS

The bill directs the water management districts to adopt rules by July 2021 that improve design and performance standards to increase the removal of nutrients from stormwater discharges from all new development and redevelopment projects. The bill also provides a rebuttable presumption that certain stormwater management systems do not cause or contribute to violations of applicable state water quality standards...currently laws says it presumes a discharge is not a violation (no "rebuttable" concept). The bill provides for improved training of State and local pollution control program staff regarding stormwater pond compliance. The bills have not been heard in any committees, but some of the concepts are also found in CS/SB 712. See [SB 686](#) by Senator Gruters and [HB 405](#) by Representative Good.

HB 73 / SB 326 ENVIRONMENTAL REGULATION

This omnibus legislation has similar concepts that almost passed in last year's session. It includes the below proposal and more:

- It specifies requirements for contracts between residential recycling collectors or recovered materials processing facilities and counties or municipalities for collection or processing of residential recycling material, primarily prohibiting counties and municipalities from requiring collection, transport, or processing of contaminated recyclable material.
- Prohibits local governments from requiring property owners to acquire verification (i.e. written) from DEP for project deemed exempt by the DEP in 403.813, F.S. (water and wetland exemptions).
- The permitting exemption language in 403.813, F.S. is revised in many areas, but most relevant to EPC, it clarifies that the exemption for dock and pier replacements and repairs still applies if the repair/replacement is done within five feet of original structure. The dock may not be larger than the original and may not adversely impact aquatic resources.

The bill as drafted has minor impacts on the EPC's delegated wetland permitting programs. The bill passed the full House unanimously on January 22. The Senate version passed all three committees, but last week it was laid on the table and the Senate is now considering the House version. See [HB 73](#) by Representative Overdorf and [SB 326](#) by Senator Perry.

SB 492 PUBLIC NOTIFICATION OF POLLUTION

Currently if a facility has a pollution release it must report it to the State Watch Office within 24 hours. The bill redefines the term "reportable pollution release" to also include "measurable level[s]" of perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), radiological pollution, or any release that would result in a water quality standard violation. The bill does not define "measurable level" of PFOA and PFOS, thus minor clarifications may be helpful. The current law requires the Department of Environmental Protection (DEP) to publish on a website these discharge notices provided by the facility. The bill adds that the DEP must also publish notices from the Department of Health or a local government within 24 hours. In addition to the website notice, the bill requires the DEP to provide a written notice to homeowners with potable wells that live within 1 mile of the discharge via U.S. mail. Most relevant to local governments, the bill adds an obligation for local governments to notify the facility and DEP within 24 hours if the local government discovers a "reportable pollution release." This bill adds a reporting obligation to local governments that may have a minor impact on their resources. It has not been heard in any committee and has no companion. See [SB 492](#) by Senator Cruz.

SB 712 WATER QUALITY IMPROVEMENTS

The bill proposes to transfer the Onsite Sewage Program within the Department of Health (DOH) to the Department of Environmental Protection (DEP) by July 1, 2021. Once transferred, the bill creates an onsite sewage treatment and disposal systems (OSTDS a/k/a septic tank) technical advisory committee within the DEP

that will analyze all methods to reduce pollution from septic tanks. The bill requires DEP to adopt a rule that better regulates the siting of septic tanks to minimize nutrient pollution. The bill provides that if domestic wastewater facilities or septic tanks are the source of at least 20% of the nutrient pollution, then any Basin Management Action Plan adopted must include a wastewater treatment plan and a OSTDS remediation plan with the necessary information to achieve nutrient load reductions to address the total maximum daily load requirements. Among other things, this may require a local government to come up with a plan to reduce the septic tank pollution (e.g. – tank upgrades or connect to the sewer system). Unrelated to septic tanks, the DEP will be required to adopt rules to minimize leaking (“Inflow and Infiltration”) from underground pipes of wastewater collection systems that lead to overflows. HB 1343 passed its second of three committees. CS/SB 712 passed its third and final committee last week. See [SB 712](#) by Senator Mayfield and [HB 1343](#) by Representative Payne.

SB 1766 / HB 519 PRIVATE PROPERTY RIGHTS PROTECTION / GROWTH MGMT.

Current law allows a property owner to sue a local government if they can show a local regulation inordinately burdens that specific private property. The existing Florida law allows a private property owner to get relief, even if the alleged burden does not rise to a traditional “taking” that may be compensable pursuant to the U.S. Constitution. The bill would make it easier for other properties to get similar relief by providing that if the government settles or the property owner secures a judgment declaring a local government ordinance to be an inordinate burden, then there is a presumption that similarly situated parcels are also inordinately burdened and entitled to the same settlement terms or judicial determination. Among other changes, the bill removes a provision allowing the government to seek attorney fees and costs when a property owner refuses a bona fide offer which reasonably would have resolved the property claim fairly. HB 519 passed all three committees and now may be considered by the full House. SB 1766 by Senator Lee passed two of three committees but has not been heard by Rules Committee yet. Our FLERA manager explained that the Senate’s Committee Substitute that passed in Community Affairs does not contain the controversial “similarly situated” language. See [HB 519](#) by Representative Grant and [SB 1766](#) by Senator Lee.

HB 579 PUBLIC FINANCING OF CONSTRUCTION PROJECTS

The bill requires a sea level impact projection study for state-financed construction projects. The study must be published and construction cannot be commenced until the study is accepted by the FDOT. It passed two of three House committees. SB 178 passed three of its four Senate committees. See [HB 579](#) by Representative Aloupis and [SB 178](#) by Senator Rodriguez.

HB 1091 ENVIRONMENTAL ENFORCEMENT

The bill would increase civil penalties by 50% for violations of environmental laws in dozens of statutes regarding air, water, wetlands, and waste. Most notably, the fine for any single event that the DEP can assess would change from \$10,000 to \$15,000 per violation per day. The EPC, through its delegations from the DEP, would also be able to assess these amounts. Both bills are in their last committee. See [SB 1450](#) by Senator Gruters and [HB 1091](#) by Representative Fine.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 8.d.

Date of EPC Meeting: February 27, 2020

Subject: EPA Sulfur Dioxide (SO₂) Attainment Designation

Agenda Section: Regular Agenda

Division: Air Division

Recommendation: Informational Report

Brief Summary: On February 20, 2020, the US-EPA made its final re-designation of a 25 square mile area near the Polk-Hillsborough County line as attainment for the 75 ppb 1-hour Sulfur Dioxide federal ambient air quality standard. The initial non-attainment designation occurred in 2017 and was due to the impact of modeled emissions, primarily, from Mosaic's New Wales Phosphate Fertilizer Plant. The attainment designation is effective on March 23, 2020 and will mark the first time since 2010 that Hillsborough County is meeting all the federal and state air quality standards.

Financial Impact: No Financial Impact

List of Attachments: None

Background: On July 25, 2013, the US-EPA did their initial round of designations for the June 2, 2010 75 ppb 1-hr SO₂ National Ambient Air Quality Standards (NAAQS) (196 µg/m³). US-EPA made the designations utilizing 2009-2011 ambient monitoring data. Twenty-nine areas in 16 states were designated as "nonattainment". Two areas in Florida were designated "nonattainment" – Nassau County, and Hillsborough County, with the rest of Florida designated as "unclassifiable" or "unclassifiable/attainment." The nonattainment area was a partial for Hillsborough County encompassing a small area surrounding the Mosaic Riverview Plant off US Highway 41. The site is currently meeting the standard due to significant reductions by both Mosaic and TECO.

On December 21, 2017, the US-EPA completed the third round of designations. The designations were based upon modeling conducted by the states on the remaining areas of the country. In Florida, two areas were designated as Non-Attainment, an area around the Duke Energy Crystal River Plant in Citrus County, and an approximately 25 square mile area centered around Mosaic's New Wales Plant in Polk County that extends into Hillsborough County.

That same month Florida DEP submitted a modeling plan that demonstrated through SO₂ permit emission limits and compliance and monitoring parameters, the federal standard could be achieved. Mosaic spent over \$22 million to upgrade their pollution controls and is now demonstrating compliance.