

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
June 25, 2020

Location
Virtual meeting via communications
media technology – details below

- 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**
 - Recognition of the retirement of Marsha Reese, Water Division - 35 years of service.
 - In Remembrance: A tribute to Terrel Sessums, steward of the environment.
- 5. PUBLIC COMMENT** - *Each speaker is allowed 3 minutes unless the Commission directs differently. If you wish to provide public comment please submit the online [public comment form](#) at least 30 minutes prior to the start of the meeting.*
- 6. APPROVAL OF CONSENT AGENDA**

Consent Agenda Items

a. Approval of EPC Meeting Minutes – February 27, 2020	2
b. Monthly Activity Report FY2020 (February, March, April, May)	6
c. FY2020 Pollution Recovery Fund Budget.....	8
d. Legal Case Summary	10
- 7. PUBLIC HEARING**

None
- 8. REGULAR AGENDA**

a. Clean Air Month High School Photography Contest.....	14
b. Environmental Legislation Report.....	15
c. Septic Tank Regulation Report.....	18
d. 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.

If you wish to provide public comment please submit the online [public comment form](#) at least 30 minutes prior to the start of the meeting. This meeting will be available LIVE as follows: Spectrum - Channel 637, Frontier - Channel 22, Comcast - Channel 22, PC: <http://www.hcflgov.net/HTVlive>, and iOS: <http://65.49.32.149/iosvideo/ios.htm>



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 6.a.

Date of EPC Meeting: June 25, 2020

Subject: Approval of February 27, 2020 EPC meeting minutes

Agenda Section: Consent Agenda

Division: Administration Division

Recommendation: Approve the February 27, 2020 EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on February 27, 2020.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the February 27, 2020 EPC meeting minutes.

Background: None

FEBRUARY 27, 2020 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, February 27, 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 (arrived at 9:04 a.m.), Sandra Murman, Kimberly Overman, and Stacy White.

The following member was absent: Commissioner Lesley Miller Jr.

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

Chairman Smith 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, reported Item 8.b., Pollution Recovery Fund (PRF) Allocation Request, would be heard before Item 8.a., Microplastics Research in Tampa Bay. EPC General Counsel Rick Muratti suggested a motion to approve the changes. **Commissioner Murman so moved, seconded by Commissioner Overman, and carried five to zero.** (Commissioner Kemp had not arrived; Commissioner Miller was absent.)

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

4. RECOGNITIONS AND PROCLAMATIONS - None.

5. PUBLIC COMMENT - None.

6. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of EPC Meeting Minutes - January 28, 2020
- b. Monthly Activity Reports Fiscal Year (FY) 2020 (January)
- c. FY 2020 PRF Budget
- d. Legal Case Summary

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

7. PUBLIC HEARING - None.

THURSDAY, FEBRUARY 27, 2020

8. REGULAR AGENDA

a. Microplastics Research in Tampa Bay

Mr. Thomas Ash, EPC, deferred to Ms. Maya Burke, Tampa Bay Estuary Program, and Drs. Amy Siuda and Shannon Gowans, Eckerd College, who expounded on a presentation and showed a video. Commissioner Overman remarked on understanding the scope of the microplastics/stormwater/wastewater challenges. Commissioner Kemp touched on particulate matter filter types, which Drs. Siuda and Gowans addressed. Chairman Smith added comments on septic/sewage usage.

b. PRF Allocation Request

Mr. Ash summarized the item. **Commissioner Overman so moved, seconded by Commissioner Kemp, and carried six to zero.** (Commissioner Miller was absent.)

c. Environmental Legislation Report

Following remarks from Ms. Dougherty, Attorney Muratti delivered the report. Commissioner Overman inquired on the status of the stormwater management systems bill.

d. Environmental Protection Agency Sulfur Dioxide Attainment Designation

Mr. Reginald Sanford, EPC, supplied a presentation. Commissioner Overman asked about the air quality observation monitors adding/attaining the needed measurements from the northern part of Interstate 275. Commissioner Kemp requested a report/potential future agenda item on personal air quality monitors. Subsequent to talks on microplastics/stormwater drains funding, Commissioner Kemp suggested a presentation on the future of stormwater drainage and sharing the information with the city of Tampa.

e. Executive Director's Report

Upon remarks from Ms. Samantha White, EPC, Ms. Dougherty elaborated on the report. Commissioner Kemp sought confirmation septic systems would be discussed at the April 23, 2020, meeting. Dialogue occurred.

THURSDAY, FEBRUARY 27, 2020

9. DISCUSSION OF FUTURE AGENDA ITEMS - None.

ADJOURN

There being no further business, the meeting was adjourned at 10:16 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: June 25, 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 February, March, April and May 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

		February	March	April	May	FISCAL YEAR TO DATE
A.	Core Function: Citizen Support & Outreach					
1	Environmental Complaints Received	114	114	101	128	851
2	Number of Presentations/Outreach Events	6	3	3	3	50
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	571	271	157	236	3372
B.	Core Function: Air & Water Monitoring					
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	97.8%	96.3%	97.5%	96.3%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.2%	99.8%	84.8%	100.0%	N/A
3	Number of Noise Monitoring Events	1	1	0	2	13
C.	Core Function: Environmental Permitting					
1	Permit/Authorization Applications Received	157	176	138	105	1172
2	Applications In-house >180 days	2	2	2	1	N/A
3	Permits/Authorizations Issued	150	139	151	108	1058
4	Petroleum Cleanup Cases	113	148	139	135	1104
D.	Core Function: Compliance Assurance					
1	Compliance Inspections	382	217	133	196	2249
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	127	139	163	113	1119
3	Compliance Assistance Letters Issued	125	123	72	99	1470
4	Warning Notices Issued	17	9	17	19	125
E.	Core Function: Enforcement					
1	New Cases Initiated	3	3	3	3	29
2	Active Cases	45	49	49	48	N/A
3	Tracking Cases	50	44	44	45	N/A



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 6.c.

Date of EPC Meeting: June 25, 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 5/31/2020**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 706,379	Artificial Reef	\$ 63,338	Minimum Balance	\$ 120,000	
Interest	\$ 12,848	Open Projects	\$ 169,696	Est. FY 21 Budget	\$ 33,338	
Deposits	\$ 92,137			Asbestos Removal	\$ 5,000	
Total	\$ 811,364	Total	\$ 233,034	Total	\$ 158,338	\$ 419,992

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	\$ 3,508
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	\$ 14,269
		\$ 135,074	\$ 101,155



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 6.d.

Date of EPC Meeting: June 25, 2020

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

CASE SUMMARY

June 25, 2020

Administrative Cases

Case No.	Case Style and Summary
20-EPC-006	2801 Investments LLC c/o R. Scaglione vs. T. Hills and EPC: On June 9, 2020 the Appellant, 2801 Investments LLC, filed a request for an extension of time to file an appeal to challenge the issuance of TPA Minor Work Permit #70217. The request was deemed untimely and was dismissed with leave to amend. The Appellant has until June 19, 2020 to file an amended request to show why it should be considered timely.
20-EPC-005	Club Deal 139 Tampa Commerce Center, LP vs. M & B Products, Inc. and EPC: On May 19, 2020, the Petitioner, Club Deal 139 Tampa Commerce Center, LP, filed a request for an extension of time to file an appeal to challenge the issuance of a permit to modify and operate an industrial wastewater treatment facility, File Number FLA624853-004-IW3N. The Petitioner has until July 1, 2020 to file an appeal in this matter.
20-EPC-04	S. Bellamy, Jr. vs. EPC: May 11, 2020 the Appellant, Shedrick Bellamy, Jr., filed a Notice of Appeal to challenge a wetland delineation, Review #70031. The appeal was deemed insufficient and the Appellant had until June 1, 2020 to file an amended appeal. No amended appeal was filed and the case is closed.
20-EPC-003	V. Bernaldo vs. EPC: On April 9, 2020 the Appellant, Victoria Bernaldo, filed a request for an extension of time to file a Notice of Appeal to challenge the Notice of Cancellation of Minor Work Permit Application No. 68850. The request was granted and the Appellant has until July 8, 2020 to file an appeal in this matter.
20-EPC-002	Cotilla Group, LLC vs. K. Hayes and EPC: On April 3, 2020, the Appellant, Cotilla Group, LLC, filed a request for an extension of time to file an appeal to challenge TPA Minor Work Permit 69812. The request was granted in part and the Appellant had until May 8, 2020 to file an appeal in this matter. No appeal was filed and the case has been closed.
20-EPC-001	M. Joergensen and M. Weischer vs. J. Albrecht and E. Albrecht and EPC: On March 30, 2020, Appellants M. Joergensen and M. Weischer, filed a Notice of Appeal to challenge the issuance of TPA Minor Work Permit 67060(R2). The appeal was deemed insufficient and the Appellants had until April 20, 2020 to file an amended appeal. No amended appeal was filed 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

	<p>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.</p>
17-EPC-013	<p>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. On April 22, 2020 the Court entered a Final Judgment against Defendant Daniel A. Stumbo.</p>
16-EPC-002	<p>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 by the United States District Court for the Northern District of California. The EPC appealed the order granting the motion to dismiss. Oral argument was presented to a 3-judge panel of the United States Court of Appeals for The Ninth Circuit by EPC's outside counsel on August 6, 2019. On June 1, 2020, the Ninth Circuit panel ruled that only part of the EPC's case is dismissed, but our cause regarding tampering of vehicles post-sales may move forward.</p>
15-EPC-007	<p>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 the agency by the Circuit Court.</p>
14-EPC-011	<p>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 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 seeking a trial at the circuit court but has filed a motion to refer the case to mediation.</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>
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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item #8.a.

Date of EPC Meeting: June 25, 2020

Subject: Clean Air Month 2020 – Photo Contest

Agenda Section: Regular Agenda

Division: Air Management Division

Recommendation: Informational Report

Brief Summary: 2020 marks EPC's 19th Annual celebration of May as Clean Air Month. While the Clean Air Fair event was cancelled due to the COVID pandemic, EPC was able to adapt to a virtual platform and still host other activities, such as the Clean Air Month Environmental Photography Contest. This presentation will outline Clean Air Month 2020 and the winners of the photo contest.

Financial Impact: No Financial Impact

List of Attachments: None

Background: EPC has been celebrating the designation of the month of May as Clean Air Month since 2001 through the hosting of community events and environmental art/photo contests. Our theme this year was created in honor of the 50th anniversary of Earth Day, with the tagline: *"It's an Earth-Day Birth-Day!"*.

The Clean Air Fair is the agency's signature public outreach event and is held on the first Thursday of every May in downtown Tampa. The goal of the Fair is to highlight local air quality, promote a healthy environment and recognize environmentally-conscious organizations. Over the last 18 years, the free lunchtime event has grown to include over 1000 visitors, 60+ exhibitors, live music, free giveaways, complimentary refreshments and food items, prize drawings and more. Unfortunately, due to COVID 19 the Fair had to be cancelled; however, EPC was able to adapt and still host the Clean Air Month Environmental Photography Contest by converting to an all-electronic submittal process.

The annual EPC Photo Contest is held in collaboration with the Hillsborough County School System. The environmental photography competition is offered to high school and select middle school students in an effort to recognize Clean Air Month and encourage increased awareness of the environment and air quality. Historically, hard copy photos are submitted, and the honorable mentions and winners are displayed at County Center, the Clean Air Fair and the EPC lobby. While that was not possible this year due to the pandemic, the finalists are being displayed on the EPC website and through this EPC Commission presentation. All winners and honorable mentions received a certificate of achievement from EPC. The top 3 photographers also received a small monetary award, and a donation was made to the winning school's art department to help encourage their efforts to interweave art and the environment.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item #8.b.

Date of EPC Meeting: June 25, 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 adjourned on March 19, 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 adjourned on March 19, 2020, a week later than scheduled. Legislators filed 3,518 bills and 210 passed both chambers. Approximately 122 bills have yet to be delivered to the Governor for consideration. EPC staff reviews environmental and administrative bills to determine if they may impact the EPC's functions and budget. Although EPC tracked numerous bills, below is a summary of a few notable bills that passed or failed this year that may relate to EPC functions or may be of interest.

BILLS THAT PASSED:

HB 73 ENVIRONMENTAL REGULATION

Among other proposals, it includes the following provisions:

- 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 Department of Environmental Protection (DEP) for any project deemed exempt by the DEP in 403.813, Florida Statutes (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 the original structure. The dock may not be larger than the original and may not adversely impact aquatic resources.

The EPC implements these wetland exemption laws, as we are a delegated program of the DEP. [HB 73](#) passed and was sponsored by Representative Overdorf and its companion was [SB 326](#) by Senator Perry. The bill was presented to the Governor on June 3, 2020. The Governor has until June 18, 2020, to take action on this bill, but at the drafting of this agenda item there was no final action taken. Staff will keep the Commission updated.

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 also 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 by the DEP must include a wastewater treatment plan and an 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. [SB 712](#) sponsored by Senator Mayfield is the version that passed and the companion was [HB 1343](#) sponsored by Representative Payne. The bill was presented to the Governor on June 16, 2020.

SB 178 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 state-financed construction cannot be commenced until the study is accepted by the FDOT. It passed two of three House committees. [SB 178](#) by Senator Rodriguez passed. The bill was presented to the Governor on June 16, 2020.

HB 1091 ENVIRONMENTAL ACCOUNTABILITY

The bill increases civil and administrative penalties by 50% for violations of environmental laws in dozens of statutes regarding air, water, wetlands, and waste. Most notably, the civil penalty 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 increased amounts. [HB 1091](#) passed and was sponsored by Representative Fine and many co-sponsors. The Senate companion was [SB 1450](#) by Senator Gruters. It has not been presented to the Governor.

SB 172 FLORIDA DRUG AND COSMETIC ACT

Pre-empts local laws and ordinances for over the counter drugs and cosmetics. Part of the impetus to pass this was to prohibit local governments in South Florida from regulating sunscreens that may impact coral reefs. [SB 172](#) was sponsored by Senator Bradley and presented to the Governor on June 16, 2020.

HB 549 PUBLIC RECORD/SITE-SPECIFIC LOCATION INFORMATION OF ENDANGERED AND THREATENED SPECIES

Creates a public records exemption that would not require a Florida government to release documentation that may reveal the location of threatened and endangered species. [HB 549](#) was sponsored by Rep. Overdorf and has not been presented to the Governor.

BILLS THAT FAILED:

HB 1001 / SB 1350 BROWNFIELDS

To be eligible to participate in the brownfields program a person currently must demonstrate certain levels of job creation; among other things, this bill proposed to exempt participants from that criteria if the land is to be used for affordable housing, parks, or conservation. Also, it created 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 bills failed ([HB 1001](#) sponsored by Representative Stone and [SB 1350](#) sponsored by Senator Baxley).

SB 686 / HB 405 STORMWATER MANAGEMENT SYSTEMS

The bill directed 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 provided a rebuttable presumption that certain stormwater management systems do not cause or contribute to violations of applicable state water quality standards; currently, the law says it presumes a discharge is not a violation (no “rebuttable” concept). The bill provided for improved training of State and local pollution control program staff regarding stormwater pond compliance. [SB 686](#) by Senator Gruters and [HB 405](#) by Representative Good both failed.

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 proposed to redefine 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 current law requires the Department of Environmental Protection (DEP) to publish on a website these discharge notices provided by the facility. The bill added 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 required 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 added an obligation for local governments to notify the facility and DEP within 24 hours if the local government discovers a “reportable pollution release.” [SB 492](#) by Senator Cruz failed.

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 have made 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 removed 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](#) was sponsored by Representative Grant and [SB 1766](#) by Senator Lee. Both bills failed.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 8.c.

Date of EPC Meeting: June 25, 2020

Subject: Septic Tank Regulation

Agenda Section: Regular Agenda

Division: Water Management Division

Recommendation: Informational Report

Brief Summary: The presentation focuses on regulatory authority and how septic tank contribution to pollution is addressed. Representatives from the Florida Department of Health and Hillsborough County Public Utilities will be in attendance.

Financial Impact: No Financial Impact

List of Attachments: None

Background: EPC was requested by the Commission to provide information on septic tanks. This presentation focuses on how septic tanks work, regulatory authority for permitting and compliance, and how septic tank contribution to pollution is currently addressed. Representatives from the Florida Department of Health and Hillsborough County Public Utilities will be in attendance to assist in answering any questions.