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

Location

Virtual meeting via communications media technology - details below

Meeting time

- August 13, 2020 9:00 a.m.
- 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. 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 – June 25, 2020	
b. Monthly Activity Report FY2020 (June and July)	
c. FY2020 Pollution Recovery Fund Budget	
d. Legal Case Summary	
e. Select Performance Measure Goals Quarterly Update	

7. PUBLIC HEARING

None

8. REGULAR AGENDA

- a. Near Road Air Quality & the Use of Low Cost Community and Personal Air Monitors presented by Amy L. Stuart, Professor USF Department of Occupational Health and Department of Civil & Environmental Engineering16
- b. 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



AGENDA ITEM COVER SHEET

Agenda Item #6.a.

Date of EPC Meeting: August 13, 2020

Subject: Approval of June 25, 2020 EPC meeting minutes

Agenda Section: Consent Agenda

Division: Administration Division

Recommendation: Approve the June 25, 2020 EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission

meeting held on June 25, 2020.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the June 25, 2020 EPC meeting minutes.

Background: None

JUNE 25, 2020 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, June 25, 2020, at 9:00 a.m., held telephonically.

The following members were present: Chairman Mariella Smith and Commissioners Ken Hagan, Pat Kemp, Lesley Miller Jr., Sandra Murman, Kimberly Overman, and Stacy White.

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. The Deputy Clerk called the roll and noted a quorum was present.

2. CHANGES TO THE AGENDA

Ms. Janet Dougherty, EPC Executive Director, stated there were no changes to the agenda.

- 3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, OR SEPARATE VOTE None.
- 4. RECOGNITIONS AND PROCLAMATIONS

Recognition of the Retirement of Ms. Marsha Reese, Water Division - 35 Years of Service

Ms. Dougherty and Mr. Sam Elrabi, EPC, commended Ms. Reese.

In Remembrance: A Tribute to Mr. Terrel Sessums, Steward of the Environment

Ms. Dougherty and EPC members venerated Mr. Sessums.

- 5. PUBLIC COMMENT None.
- 6. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of EPC Meeting Minutes February 27, 2020
- b. Monthly Activity Report Fiscal Year (FY) 2020 (February, March, April, May)

THURSDAY, JUNE 25, 2020

- c. FY 2020 Pollution Recovery Fund Budget
- Legal Case Summary

Chairman Smith called for a motion to approve the Consent Agenda. Commissioner White so moved, seconded by Commissioner Murman. the motion carried seven to zero.

- 7. PUBLIC HEARING - None.
- 8. REGULAR AGENDA
 - Clean Air Month High School Photography Contest
- Ms. Dougherty introduced Ms. Michelle Jenkins, EPC, who shared a presentation. Chairman Smith made appreciative remarks.
 - Environmental Legislation Report

EPC General Counsel Rick Muratti presented the item.

Septic Tank Regulation Report

Mr. Elrabi detailed background material. Commissioner Murman asserted the County could not afford to wait 52 years to convert septic tanks to sewage and approved of the Florida Department of Environmental Protection (FDEP) overseeing septic tanks. Commissioner Kemp spoke on limiting septic tanks in the County, questioned the estimated number of septic tanks within the County, believed sewage/septic systems were fundamental to economic development, and asked about communities that may be easily converted from septic to sewage, which Assistant County Administrator George Cassady, Public Utilities, addressed. Commissioner Overman inquired about a memorandum of understanding (MOU) between the EPC and the Florida Department of Health and the potential for an MOU between the EPC and FDEP. Commissioner Smith discussed improving the low pressure sewage system in

South County to encourage citizens to convert from septic to sewage.

Executive Director's Report d.

Ms. Dougherty expounded on background material and announced the next EPC meeting was scheduled for August 13, 2020.

THURSDAY, JUNE 25, 2020

9. DISCUSSION OF FUTURE AGENDA ITEMS

Chairman Smith announced previously requested agenda items would be scheduled for a future meeting.

ADJOURN

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

	READ AND APPROVED:
ATTEST: PAT FRANK, CLERK	CHAIRMAN
By:	
Deputy Clerk	
ag	



AGENDA ITEM COVER SHEET

Agenda Item # 6.b.

Date of EPC Meeting: August 13, 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 June and July 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

1120			_
			FISCAL YEAR
	<u>June</u>	<u>July</u>	TO DATE
A. Core Function: Citizen Support & Outreach			
1 Environmental Complaints Received	109	130	1090
2 Number of Presentations/Outreach Events	0	4	54
3 Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	296	291	3959
B. Core Function: Air & Water Monitoring			
Air Monitoring Data Completeness			
(Note: reflects previous month due to data acquisition delay)	94.7%	98.2%	N/A
Water Quality Monitoring Data Completeness			
(Note: reflects previous month due to data acquisition delay)	100.0%	87.2%	N/A
3 Number of Noise Monitoring Events	1	2	16
C. Core Function: Environmental Permitting			
1 Permit/Authorization Applications Received	207	189	1568
2 Applications In-house >180 days	2	2	N/A
3 Permits/Authorizations Issued	145	152	1355
4 Petroleum Cleanup Cases	159	152	1415
D. Core Function: Compliance Assurance			
1 Compliance Inspections	351	329	2948
2 Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	105	138	1362
3 Compliance Assistance Letters Issued	99	122	1691
4 Warning Notices Issued	19	26	170
E. Core Function: Enforcement			
1 New Cases Initiated	1	1	31
2 Active Cases	48	47	N/A
3 Tracking Cases	46	48	N/A



AGENDA ITEM COVER SHEET

Agenda Item #6.c.

Date of EPC Meeting: August 13, 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 7/31/2020

REVENUE			EXPENDITURES			RESERVES			N	ET PRF
Beginning Balance	\$	706,379	Artificial Reef	\$	63,338	Minimum Balance	\$	120,000		
Interest	\$	15,844	Open Projects	\$	169,696	Est. FY 21 Budget	\$	33,338		
Deposits	\$	104,157				Asbestos Removal	\$	5,000		
Total	\$	826,381	Total	\$	233,034	Total	\$	158,338	\$	435,009

PROJECT			ect Amount	Project Balance		
FY18 Projects						
Audubon Florida Invasive Removal	10131.102063.582990.5370.1293	\$	50,000	\$	45,611	
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	
	_	\$	115.074	\$	93.258	



ENVIRONMENTAL PROTECTION COMMISSION AGENDA ITEM COVER SHEET

Agenda Item # 6.d.

Date of EPC Meeting: August 13, 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

August 13, 2020

Administrative Cases							
Case No.	Case Style and Summary						
20-EPC-007	Charles Orial and Aemilia Orial vs. Chandler Rapson and EPC: On July 8, 2020 the Appellants, Charles and						
	Aemilia Orial filed a notice of appeal to challenge the issuance of a TPA Minor Work Permit. The appeal						
	was deemed insufficient and dismissed with leave to amend. The Appellants subsequently asked for an						
	extension of time to file an appeal. It was denied and the Appellants have until August 10, 2020 to file an amended appeal.						
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 a						
	TPA Minor Work Permit. The request was deemed untimely and was dismissed with leave to amend. The						
	Appellant had until June 19, 2020 to file an amended request to show why it should be considered timely.						
	No amended request was filed and the case has been closed.						
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., The Petitioner had until July 1, 2020 to file an appeal in this matter. A Petition was filed and on July						
	15, 2020 the Agency filed a request for assignment of an Administrative Law Judge with the Division of						
	Administrative Hearings (DOAH). An initial order was entered on July 17, 2020 and the case will proceed with an evidentiary hearing.						
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 a Minor Work Permit Application.						
	The request was granted and the Appellant had until July 8, 2020 to file an appeal in this matter. The						
	Appellant filed a second request for an extension of time which was granted and Appellant has until						
	October 6, 2020 to file a Notice of Appeal.						
	Mosaic Fertilizer, LLC Variance Request: On September 6, 2018, Mosaic Fertilizer, LLC filed a request for a						
18-EPC-012	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. On April 22, 2020 the Court entered a Final Judgment against Defendant Daniel A. Stumbo.
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 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. On July 30, 2020, Volkswagen filed a request for a rehearing of the appeal.
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 the agency 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 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.

LEPC10-019	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.
LEPC09-011	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.



AGENDA ITEM COVER SHEET

Agenda Item # 6.e.

Date of EPC Meeting: August 13, 2020

Subject: Select Performance Measure Goals for 2020

Agenda Section: Consent Agenda

Division: Executive Director Report

Recommendation: None – Informational Only

Brief Summary: As part of the EPC staff's strategic planning, the Agency measures key activities and set goals for 2020. These are tabulated and periodically presented to the Commission in the consent agenda.

Financial Impact: No Financial Impact.

List of Attachments: Table Titled 2020 Goals

Background: The Agency measures performance for all five of its core functions. These core functions include permitting, compliance assurance, citizen support & outreach, enforcement, and ambient air & water quality monitoring. As part of the Agency's annual evaluation, staff sets goals for select activities and reports them periodically to the Commission. This is an integral part of the continuous improvement required by the Agency's strategic planning.

2020 Goals

Core Function	Measure	Pre- Sterling Year (2009)	2017	2018	2019	2020 (2nd Qtr)	2020 Goal
	Average Time to Issue an Intent for State Construction Permits	57 days	16 days	16 days	19 days	29 days	Less Than or Equal to 30 days
Permitting	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	45 days	50 days	51 days	56 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	28 days	26 days	34 days	34 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	85%	95%	92%	96%	Greater Than or Equal to 90%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	98% in 3 Days	98% in 3 Days	96% in 3 Days	95% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	100%	93%	92%	94%	Greater Than or Equal to 90%

15 of 19



AGENDA ITEM COVER SHEET

Agenda Item # 8.a.

Date of EPC Meeting: August 13, 2020

Subject: Near Road Air Quality & The Use of Low-Cost Community and Personal Air Monitors

Agenda Section: Regular Agenda

Division: Air Division

Recommendation: Informational Report

Brief Summary: At the request of Commissioners Pat Kemp and Kimberly Overman, EPC Staff will provide an overview of the air quality data in Downtown Tampa near the I-275 roadway, as measured by the EPC operated and maintained Munro Air Monitoring Station. In addition, USF Professor of Environmental & Occupational Health and Civil & Environmental Engineering, Dr. Amy Stuart, will provide a national overview of the types of pollutants, health impacts, exposures, and potential mitigation measures to reduce exposures near roadways. The presentation will also include an overview of the use of low-cost community-based personal air monitors that are in use to measure air quality.

Financial Impact: No Financial Impact

List of Attachments: Munro Near Road Air Monitoring Site

Background: On February 9, 2010, the U.S. Environmental Protection Agency (EPA) promulgated new minimum monitoring requirements for the nitrogen dioxide (NO2) monitoring network in support of a newly revised 100 ppb 1-hour NO2 National Ambient Air Quality Standards (NAAQS), while retaining the 53 ppb annual National Ambient Air Quality Standard (NAAQS). The new monitoring regulations required state and local air monitoring agencies to install Near-Road NO2 monitoring stations in areas where populations were ≥ 1 million at locations where peak hourly NO2 concentrations were expected to occur within the near-road environment in large urban areas by January 1, 2014. The EPA also required the NO2 monitors be co-located with PM2.5 monitors by January 1, 2015 in areas with populations ≥ 2.5 million and by January 1, 2017 in areas with populations ≥ 1 million.

During the revision, the EPA recognized that roadway-associated exposures account for a majority of ambient exposures to peak NO2 concentrations. In the rulemaking process leading to the recent NO2 NAAQS revision, it was established that the combination of higher urban population densities with increased vehicle miles traveled (VMT), which correspond to on-road mobile source emissions, can result in an increased potential for exposure and associated risks to human health and welfare.

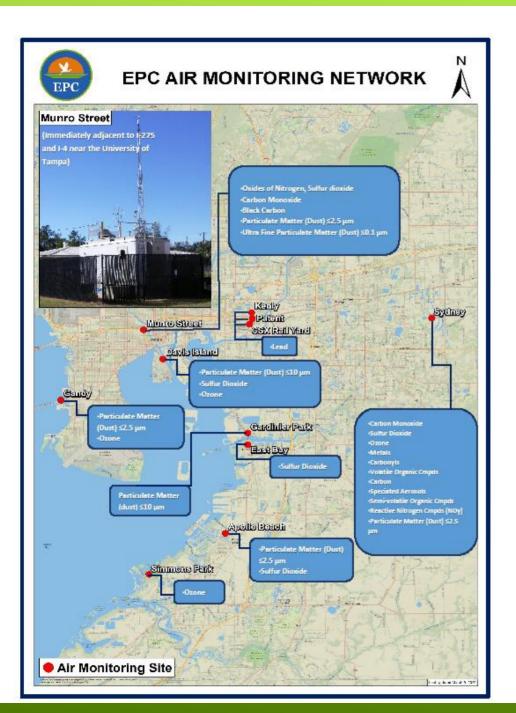
The EPA estimates that over 45 million people in the US live within 300 feet of a major transportation roadway. The near-road NO2 data will provide a clear means to determine whether the NAAQS is being

met within the near-road environment throughout a particular urban area. Research has demonstrated that exposure to pollutants emitted from motor vehicles can cause lung and heart problems and premature death.

In response to the revised NO2 NAAQS, EPC has operated and maintained a Near Road Air Monitoring Site in the Downtown Tampa Area since January 2014, and currently operates the Munro Site near I-275 near the University of Tampa. In 2014, the Munro site was 1 of only 52 Near Road Sites in the U. S. and is currently 1 of 6 sites in the State of Florida, with a total of 74 sites nationally.

EPC Staff will present an analysis of the ambient air monitoring data from the Munro Air Monitoring Site, while USF Professor of Civil and Environmental Engineering Dr. Amy Stuart will provide an national overview of the types of pollutants, health impacts, exposures, and potential mitigation measures to reduce exposures near roadways. The presentation will also include an overview of the use of low-cost community-based personal air monitors that are in use to measure air quality.

Air sensor monitors that are lower in cost (\$100 - \$2,500), portable and generally easier to operate than regulatory-grade monitors (\$12,000 - \$30,000) are widely used in the United States to understand air quality conditions. The presentation will address the latest advancements in air sensor technology, including types of equipment and systems, as well as their use in near road environments, along with a discussion of the international PurpleAir Personal Air Sensor Network and several community-based projects.

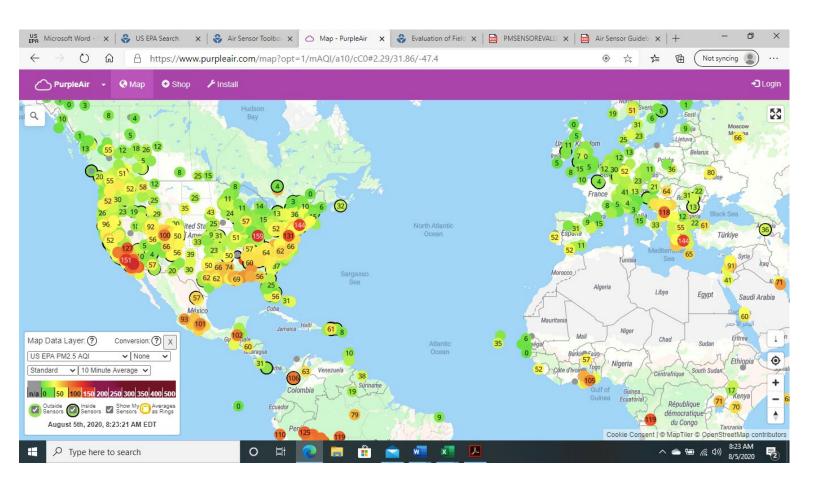


AIR MONITORING FOR PUBLIC HEALTH PROTECTION AND RESEARCH

- 11 air monitoring stations
- Continuous monitors for Ozone, NO₂, CO, SO₂ and
 Particulate Matter
- Near-road monitoring station near I-275 to enhance understanding of mobile source impacts



PurpleAir Personal Air Sensor Network





PurpleAir PA-II-SD PM2.5 Air Sensor - \$250