

**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**  
**October 15, 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**
  - Memorial to Kent Bailey
  - Farewell to Commissioner Lesley “Les” Miller, Jr.
- 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 – September 24, 2020 .....	2
b. Monthly Activity Report FY2020 (September).....	6
c. FY2020 Pollution Recovery Fund Budget.....	9
d. Legal Case Summary .....	11
e. Action Plans Quarterly Update .....	15
f. Select Performance Measure Goals Quarterly Update.....	19
- 7. PUBLIC HEARING** (*None*)
- 8. REGULAR AGENDA**

a. Executive Director’s Annual Report.....	21
b. Request to Initiate Process to Revise Chapter V of the Wetlands Basis of Review.....	22
c. Initiation of Executive Director’s Annual Evaluation Process .....	27
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:** October 15, 2020

**Subject:** Approval of September 24, 2020 EPC meeting minutes

**Agenda Section:** Consent Agenda

**Division:** Administration Division

**Recommendation:** Approve the September 24, 2020 EPC meeting minutes.

**Brief Summary:** Staff requests the Commission approve the meeting minutes from the Commission meeting held on September 24, 2020.

**Financial Impact:** No Financial Impact

**List of Attachments:** Draft copy of the September 24, 2020 EPC meeting minutes.

**Background:** None

SEPTEMBER 24, 2020 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, September 24, 2020, at 9:00 a.m., held telephonically.

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

The following members were absent: Commissioners Lesley Miller Jr. and Stacy White.

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

▶ Chairman Smith called the meeting to order at 9:01 a.m., 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 - ▶ None.

5. PUBLIC COMMENT - ▶ None.

6. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of EPC Meeting Minutes - August 13, 2020
- b. Monthly Activity Report Fiscal Year (FY) 2020 (August)
- c. FY 2020 Pollution Recovery Fund Budget
- d. Legal Case Summary
- e. Request for Authorization for Legal Action Regarding Vehicle Emissions

▶ Chairman Smith introduced the item. ▶ **Commissioner Murman moved approval, seconded by Commissioner Overman.** Upon roll call vote, ▶ **the motion carried five to zero.** (Commissioners Miller and White were absent.)

THURSDAY, SEPTEMBER 24, 2020

7. PUBLIC HEARING - None.

8. REGULAR AGENDA

a. Presentation on MacDill Air Force Base (MacDill) and U.S. Fish and Wildlife Service Partnership

▶ Mr. Hooshang Boostani, Director, EPC Waste Management Division, touched on the item and introduced Messrs. ▶ Todd Wynn, Sixth Civil Engineer Squadron, U.S. Air Force; and ▶ Brendan Myers, U.S. Fish and Wildlife Service, who shared a presentation. ▶ Chairman Smith expressed interest in MacDill gopher tortoise habitats and invited Mr. Myers to discuss the value of the tortoise population. Commissioner Kemp spoke on climate change and asked about potential responses to preserve MacDill. ▶ Commissioner Overman touched on encroachment issues facing MacDill and inquired on a plan to introduce genetic diversity to the MacDill tortoise population. Dialogue ensued.

b. Brownfields Program Update

▶ Mr. Boostani deferred to ▶ Ms. Allison Amram, EPC, who presented the item. ▶ Chairman Smith sought details on the cleanup at the Jai Alai site and touched on Brownfields areas throughout the County. Commissioner Overman spoke on the impact of Brownsfields on affordable housing funding. ▶ Commissioner Kemp requested further information on the Hudson Nursery/Pebble Creek Golf Course sites and wondered about redeveloping gas stations in the future.

c. Executive Director's Report

▶ Ms. Dougherty expounded on background material and announced the next EPC meeting was scheduled for October 15, 2020.

THURSDAY, SEPTEMBER 24, 2020

9. DISCUSSION OF FUTURE AGENDA ITEMS - ▶ None.

ADJOURN

▶ There being no further business, the meeting was adjourned at 10:35 a.m.

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

ATTEST:  
PAT FRANK, CLERK

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

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DRAFT



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 6.b.

**Date of EPC Meeting:** October 15, 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 September FY20

**Background:** Select data that is associated with the EPC's five core functions; outreach, monitoring, compliance and enforcement, is tracked monthly by each Division. These monthly activity reports are then tallied to generate one final Agency-wide report.

**EPC STAFF ACTIVITIES - AGENCY-WIDE**  
**Monthly Activity Report**  
**FY20**

		<u>September</u>	<u>FISCAL YEAR TO DATE</u>
<b>A.</b>	<b><u>Core Function: Citizen Support &amp; Outreach</u></b>		
1	Environmental Complaints Received (see attached Divisional breakdown)	129	see attached
2	Number of Presentations/Outreach Events	1	57
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	391	4662
<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)	93.3%	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	2	18
<b>C.</b>	<b><u>Core Function: Environmental Permitting</u></b>		
1	Permit/Authorization Applications Received	185	1906
2	Applications In-house >180 days	4	N/A
3	Permits/Authorizations Issued	169	1650
4	Petroleum Cleanup Cases	123	1683
<b>D.</b>	<b><u>Core Function: Compliance Assurance</u></b>		
1	Compliance Inspections	365	3696
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	146	1658
3	Compliance Assistance Letters Issued	219	2023
4	Warning Notices Issued	15	206
<b>E.</b>	<b><u>Core Function: Enforcement</u></b>		
1	New Cases Initiated	8	50
2	Active Cases	55	N/A
3	Tracking Cases	46	N/A



# Citizen Support & Outreach

## Environmental Complaints Received for FY2020

10/07/2020 12:22 PM

Environmental Complaints Received		Sep	FY2020
<b>Agency Total</b>		<b>129</b>	<b>1327</b>
<b>Air Division</b>		<b>24</b>	<b>353</b>
General		4	90
Noise		16	166
Open Burning		3	65
Pollution		1	32
<b>Waste Division</b>		<b>24</b>	<b>186</b>
General			2
Solid & Hazardous Waste		19	162
SQG		5	22
<b>Water Division</b>		<b>30</b>	<b>299</b>
General		3	35
Unauthorized Discharge/Disposal		3	69
Wastewater		14	132
Water Pollution/Quality		10	62
Wetland Clearing			1
<b>Wetlands Division</b>		<b>51</b>	<b>489</b>
Dredge & Fill		25	189
General		2	22
Mangrove Impacts		4	37
Unauthorized Discharge/Disposal			1
Unauthorized Seawall/Dock		5	62
Wastewater			1
Water Pollution/Quality			6
Wetland Clearing		15	171





# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 6.c.

**Date of EPC Meeting:** October 15, 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 9/30/2020**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 706,379	Artificial Reef	\$ 63,338	Minimum Balance	\$ 120,000	
Interest	\$ 16,643	Open Projects	\$ 169,696	Est. FY 21 Budget	\$ 33,338	
Deposits	\$ 135,927			Asbestos Removal	\$ 5,000	
Total	\$ 858,950	Total	\$ 233,034	Total	\$ 158,338	\$ 467,578

PROJECT		Project Amount	Project Balance
<b>FY18 Projects</b>			
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	\$ 23,446
UF Small Farms For Clean Water	10131.102063.581990.5370.1295	\$ 15,750	\$ 14,269
		\$ 115,074	\$ 83,326



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 6.d.

**Date of EPC Meeting:** October 15, 2020

**Subject:** Legal Case Summary update

**Agenda Section:** Consent Agenda

**Division:** Legal Department

**Recommendation:** None. Informational update only.

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

## EPC LEGAL DEPARTMENT

### CASE SUMMARY

October 15, 2020

#### Administrative Cases

Case No.	Case Style and Summary
20-EPC-012	<b>Andre Skonieczny vs. David Beach and EPC:</b> On September 29, 2020 the Appellant Andre Skonieczny filed a request for an extension of time to challenge the issuance of a Miscellaneous Activities in Wetlands Authorization for the construction of a new dock and a boat lift. The request was granted and the Appellant has until October 29, 2020 to file an appeal in this matter.
20-EPC-010	<b>Robert Burr and Cheryl Burr vs. Jordan Long and EPC:</b> On September 10, 2020 the Appellants Robert and Cheryl Burr filed a request for an extension of time to challenge the issuance of a TPA Minor Work Permit for construction of a dock. The request was granted in part and the Appellants have until October 20, 2020 to file an appeal in this matter.
20-EPC-009	<b>Robert Lavers, Sr. vs. Tom Fairfax and EPC:</b> On September 1, 2020 the Appellant, Robert Lavers filed a request for an extension of time to challenge the issuance of a wetland permit for a dock. The request was granted and the Appellant had until September 25, 2020 to file an appeal in this matter. No appeal was filed and the case is closed.
20-EPC-008	<b>Robert Lavers, Sr. vs. Tom Fairfax and EPC:</b> On September 1, 2020 the Appellant, Robert Lavers filed a request for an extension of time to challenge the issuance of a wetland permit for a fence. The request was granted and the Appellant had until September 25, 2020 to file an appeal in this matter. No appeal was filed and the case is closed.
20-EPC-003	<b>V. Bernaldo vs. EPC:</b> 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. No appeal was filed and this case will be closed.
18-EPC-012	<b>Mosaic Fertilizer, LLC Variance Request:</b> 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
20-EPC-011	<b>EPC vs. Mercedes-Benz USA, LLC, et al.:</b> On September 24, 2020 the EPC, through outside counsel, filed a complaint against Mercedes-Benz USA, LLC, et al. for vehicle emissions activities that violate the EPC Enabling Act and Chapter 1-8, Rules of the EPC.
LEPC07-018	<b>EPC vs. Petrol Mart, Inc.:</b> 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	<b>EPC vs. Daniel A. Stumbo:</b> 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. The property has been purchased by a new party and the underground storage tanks have been closed. The storage tank case will be closed but case will remain in tracking for the judgment lien obtained on the real property.
16-EPC-002	<b>EPC vs. Volkswagen AG, et al.:</b> 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. Volkswagen filed a request for a re-hearing of the appeal and the Ninth Circuit denied it on August 24, 2020.
15-EPC-007	<b>U.S. Bankruptcy Court in re Jerry A. Lewis Adversary Proceeding:</b> 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	<b>Thomas Jennings and Lorene Hall-Jennings vs. EPC:</b> 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

	<p>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><b>EPC vs. Boyce E. Slusmeyer:</b> 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><b>U.S. Bankruptcy Court in re Jerry A. Lewis:</b> 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 # 6.e.

**Date of EPC Meeting:** October 15, 2020

**Subject:** 2020 Third Quarter Action Plan Updates

**Agenda Section:** Consent Agenda

**Division:** Administration Division

**Recommendation:** None – Informational Only

**Brief Summary:** For the past nine years, EPC staff have developed a series of action plans each year that help address various initiatives which support the Agency's strategic priorities. The quarterly updates for all open action plans are listed. One new action plan is being considered for 2020.

**Financial Impact:** No additional funds required at this time. Monies for the individual action plans are paid out of the current budget, or will be brought to the Commission and requested separately as needed.


**List of Attachments:** Quarterly Update for 2020 Action Plans

**Background:** As part of the Agency's strategic planning process and philosophy of continuous improvement, staff have held periodic strategic planning sessions. These included input from the Commission and a broad range of EPC staff. Besides reviewing the priorities and guiding mission statements, staff also consider new initiatives to improve the EPC's effectiveness and efficiency. Since the Agency started this formal procedure in 2010, they have completed over seventy of these initiatives.

The action plans were created to reflect the Agency's strategic objectives, and each initiative was described in an individual action plan with measurable goals. The attachment reflects the update as of the end of the third quarter of 2020 on the status of the action plans that remain open from previous years. Additional prospective topics for future action plans were discussed by EPC staff as part of the most recent strategic planning meeting in June 2020, and one new action plan was recommended at this time. The new action plan is intended to provide enhanced training for select EPC staff, including participation in Yellow Belt efficiency improvement coursework.


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

## Quarterly Update for 2019 Action Plans


Strategic Objective	Action Plan	2019 -2020 Action Plan Goals	Status
<b>Efficient customer service and fluent agency staff</b>	<b>Interdepartmental Familiarization</b>	Set up committee with agency members from different divisions	Complete. Action plan committee members include Michael Gile (Wetlands), Jeff Sims (Air), Nita Osterman (Water), Yamil Dias (MIS), Gabby Nataline and Ron Cope (Waste)
		Conduct Interviews with supervisors and managers to determine most useful cross familiarization methods	Complete. Action plan committee has identified and agreed on methods for cross familiarization based on staff interviews
		Determine innovative ways to encourage staff members' self-education	Complete. Committee has agreed to permanent desktop icon with resources, bi-weekly interactive intranet activities, quarterly luncheon meetings dedicated to each division, mandatory new hire training organized by direct supervisor.
		Create/distribute survey monkey to allow measurable success of action plan	Completed. Survey results have been received and compiled.
		Set deadlines for supervisors/managers to complete resources-develop standards for mandatory new hire training	Completed. Guidance has been formulated and has been distributed to all Managers and Supervisors.
		Conduct quarterly meetings dedicated to each division	Ongoing. First Division-specific familiarization session is tentatively scheduled for November 2020. This task has been affected/delayed due to the EPC's public health related facility closure and alternative staff work procedures.
		Electronic methods of interdepartmental familiarization	Ongoing. It is anticipated that that this task will have been completed by the end of CY 2020.
		Distribute second survey monkey	Ongoing. Second survey will be disseminated upon completion of familiarization sessions. This task has been affected/delayed due to the EPC's public health related facility closure and alternative staff work procedures.
		Measure success of action plan	Ongoing: Action Plan success will be evaluated upon completion of the above tasks. This task has been affected/delayed due to the EPC's public health related facility closure and alternative staff work procedures.



## Quarterly Update for 2019 Action Plans

Strategic Objective	Action Plans	2019 Year End Goal	Status
<b>Continuous Improvement / Technology Review</b>	<b>5.1 Technology Assessment and Improvement</b>	Develop and deploy employee survey for Assess users current experience with technology at EPC.	TBD – Jan 2020 – need to meet with MIS staff for website deployable survey
 <span data-bbox="282 764 461 821">EPCnet</span>		Conduct key infrastructure assessment (network, VDI, servers, GIS applications etc.)	Completed. Loxia Technologies was brought in for consultation and provided New Network Topology that will be implemented in 2 phases. Phase 1 is completed. Phase 2 is in progress
		Conduct technology needs assessment for each division.	TBD – scheduled for completion Dec 2019
		Cost analysis	Completed. Loxia Technologies provided new Network Topology in 2 phases. Phase 1: \$4,744.00 and Phase 2: \$2,590.00
		Produce technology improvement proposal report	TBD – Scheduled for completion April 2020
		Implement approved some/all of the proposed technology improvements.	TBD – Scheduled for completion June 2020
		Post -improvement survey (after 6 months of equipment use)	TBD – Scheduled for Nov 2020
		Action Plan Closeout.	TBD – Scheduled for closeout Dec 2020

## Quarterly Update for 2017 Action Plans

Strategic Objective	Action Plans	Year End Goal	Status
<b>Customer Partner Excellence/ Partner &amp; Stakeholder Relationships</b>	<b>1.3 Agency Branding</b>	Establish committee and identify immediate branding opportunities.	Completed. Committee formed and meetings held to define objectives and brainstorm branding ideas. Reviewed Market Analysis Report, and evaluated existing and new outreach opportunities.
			Completed. Standardized Signature Block – approved and deployed to staff with guidelines and instructions in January.  Completed. Sign proposal – obtained quote for installation and manufacture, initiated design, procured funding. Initiated research for the vehicle’s decals.  Completed. Reviewed intranet and internet branding OFIs.
		Implement available immediate branding opportunities.	Completed. Ordered EPC website vehicle decals (thru Riz Graphix) – replaced on vehicles as fleet provides service.  Completed. New, round EPC logo road signs (thru NTS) purchased and to be installed shortly. One additional small logo was produced for the building.  Completed. Tablets updated with formsite survey questionnaire to use at events and field tested at outreach events.  Completed. Gatefold brochures developed and printed for distribution.  Ongoing. Internet forms updated with new logo. Publication link updates continue, most recently Waste fact sheets. Website committee is meeting on June 12 <sup>th</sup> .
		Set priorities on future action and other available branding opportunities.	Completed. Attended two communication courses to assist with emergency communications prospects and for ideas for the Communications Plan.  Completed. Met with WFLA regarding Outdoor Expo – branding and PSA opportunity. WFLA proposal received. Evaluation by committee and advisor - cost vs benefit.
		Develop, implement, and evaluate effectiveness of Communication Plan.	Pending Review and Approval. Initial draft of Communication Plan complete. Pending Review and Approval. Transition to agency-wide communications content team (CCT). Select candidates. Effectiveness to be measured and monitored after implementation of CCT.
		Future recommendations and Action Plan Closeout.	Targeted completion by July 2020.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 6.f.

**Date of EPC Meeting:** October 15, 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 YTD (3rd Qtr)	2020 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	16 days	16 days	19 days	28 days	Less Than or Equal to 30 days
	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	35 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	85%	95%	92%	97%	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	96% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	100%	93%	92%	95%	Greater Than or Equal to 90%



## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

Agenda Item # 8.a.

**Date of EPC Meeting:** October 15, 2020

**Subject:** Executive Director's Annual Report

**Agenda Section:** Regular Agenda

**Division:** Executive Director Report

**Recommendation:** Receive report and provide guidance as necessary

**Brief Summary:** The Executive Director will be delivering her annual report to the Commission. The theme of this year's report is "Adapting to Our New Environment" which speaks to the significance COVID-19 has had on our Agency. The presentation will also include information and data regarding the EPC's efforts to protect and regulate air, waste, wetlands, and water, as well as, activities reflective of the Agency's core functions.

**Financial Impact:** No Financial Impact

**List of Attachments:** None

**Background:** Customarily, the Executive Director presents an annual report to the Commission each Fall. The theme of this year's report is "Adapting to Our New Environment." This annual report is provided to update the Commission on environmental conditions and trends within Hillsborough County. 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. Among other things, the presentation will include information and data regarding the EPC's efforts to protect and regulate air, waste, wetlands, and water; collection of water and air quality data; activities reflective of the Agency's core functions; staff's activities; and how the EPC has adjusted during the pandemic. This report is also one of the many tools the Commission uses to evaluate the Executive Director. The evaluation process will commence over the next few months and will be finalized at the January 2021 meeting.



## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

Agenda Item # 8.b.

**Date of EPC Meeting:** October 15, 2020

**Subject:** Request to initiate process to amend Chapter V of the Basis of Review of the Wetlands Rule

**Agenda Section:** Regular Agenda

**Division:** Wetlands Division

**Recommendation:** Authorize staff to conduct public workshop(s) and set a future public hearing before the Commission to consider amendments to Chapter V of the “Basis of Review for Authorization of Activities Pursuant to Chapter 1-11 – Wetlands.”

**Brief Summary:** Pursuant to the EPC Act, the Commission must hold a noticed public hearing to approve or amend a rule. Public workshops are usually held to allow the public and stakeholders the opportunity to have input into the rulemaking process prior to a public hearing. Over the next few months, EPC staff will propose rule revisions to the Wetlands Rule Basis of Review Chapter V to update the rule to address regulatory criteria for certain “Miscellaneous Activities” (a type of EPC permit) that occur in wetlands and other surface waters. Changes proposed in the rule are intended to provide additional clarity for applicants seeking to obtain authorization to conduct activities in wetlands and for EPC staff evaluating applicant requests.

**Financial Impact:** No Financial Impact

**List of Attachments:** Basis of Review for Authorization of Activities Pursuant to Chapter 1-11 – Wetlands: Chapter V – Miscellaneous Activities in Wetlands

**Background:** On July 17, 2008, the EPC Commission adopted the “Basis of Review for Authorization of Activities Pursuant to Chapter 1-11 – Wetlands” (BOR). The BOR was adopted by the Commission to expand on how a person can apply for and qualify for certain wetland permits. Chapter V of the BOR is entitled “Miscellaneous Activities in Wetlands” (MAIW) and it explains criteria to qualify for an MAIW permit. As described in the introduction of Chapter V, MAIWs are those activities that constitute development within wetlands or other surface waters under Section 1-11.02(2)(b) yet are considered to have a minor impact on those wetland or other surface water functions thus qualifying them for a permit under Chapter 1-11 (the EPC Wetlands Rule). An MAIW permit does not require traditional wetland mitigation but may have conditions such as replanting and erosion control. Examples of MAIWs include but are not limited to nuisance vegetation control, swimming access, boat ramps, fences, docks, marginal structures, elevated boardwalks, docks, and shoreline stabilization. Chapter V of the BOR has not been updated since its inception in 2008 and revisions are merited.

Over the past twelve years utilizing the BOR and the applications and review process, certain decisions and practices have been applied to complete the permitting process for these nominal impacts. Rule

amendments will clarify ongoing practices and provide greater clarity for the applicant and reviewer. In some areas, greater specificity will improve and streamline the process so that project submittals will have more detailed guidance on what qualifies for an MAIW permit versus a more significant impact to a wetland requiring mitigation. Structure sizing, location, elevation, resource avoidance are elements to be evaluated and discussed in the rule workshops. EPC also requires approval for treatment of aquatic vegetation in certain surface waters. Recently, the State amended its regulation (after the BOR adoption in 2008) of aquatic plant treatment in surface waters. Previously the State regulated most lakes for aquatic plant treatment, but the revised State rule now regulates lakes and ponds over 160 acres in size. The EPC regulates all aquatic plant treatment in most surface waters, but with the change to State rules, there is an opportunity to provide more structure in EPC rule as to aquatic plant treatment and how to notice waterfront owners. Amending Chapter V will provide details for review currently based on science with more prescriptive guidance. For reference the link is provided for the current BOR: <https://www.epchc.org/home/showdocument?id=410> (please note this link is to the entire BOR, but staff is only proposing to revise Chapter V [attached below]).

The EPC Act only requires the EPC to conduct a public hearing at the time of rule adoption, but EPC staff also conducts non-mandatory stakeholder workshops as needed. The EPC staff is requesting the Commission to authorize staff to conduct public workshop(s) and set a public hearing before the Commission to consider amendments to Chapter V of the adopted “Basis of Review for Authorization of Activities Pursuant to Section 1-11 – Wetlands.”

## AGENDA ITEM ATTACHMENT

### CHAPTER V of the EPC's BASIS OF REVIEW FOR AUTHORIZATION OF ACTIVITIES PURSUANT TO CHAPTER 1-11 - WETLANDS

(Edited Table of Contents)

#### CHAPTER V - MISCELLANEOUS ACTIVITIES IN WETLANDS

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- 5.2 Non-Construction Related Activities
  - 5.2.1 Nuisance Vegetation Control
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  - 5.2.3 Mulched Paths
  - 5.2.4 Mowing
- 5.3 Construction Related Activities
  - 5.3.1 Boat Ramps
  - 5.3.2 Fences
  - 5.3.3 Elevated Boardwalks
  - 5.3.4 Docks
  - 5.3.5 Shoreline Stabilization

#### CHAPTER V - MISCELLANEOUS ACTIVITIES IN WETLANDS

##### 5.1 Introduction

Pursuant to Section 1-11.09(1)(c), Rules of the EPC, Miscellaneous Activities in Wetlands (MAIW) are those activities that constitute development under Section 1-11.02(2)(b) yet are considered to have minor impact on wetland or other surface water functions. Applications for authorization of these types of impacts will be reviewed pursuant to Section 1-11.10, Rules of the EPC. Applicants do not need to demonstrate that the impact is necessary for reasonable use of a property but the impacts must be minimized to the greatest extent practicable and shall be conducted, located, designed and/or constructed so that they cause the least environmentally adverse impact possible. Mitigation pursuant to Section 1-11.08 is not necessary for activities that qualify under Section 1-11.10, Rules of the EPC but the approval may include conditions to offset adverse impacts, such as replanting to ensure erosion control or ensure the area is properly re-vegetated. Eligible MAIW impacts include but are not limited to the following activities:

##### 5.2 Non-Construction Related Activities

The EPC Wetland Rule identifies development in wetlands or other surface waters as “any manmade change to real property, including but not limited to dredging, filling, grading, paving, excavating, clearing, timbering, ditching or draining.” Several types of development are characterized as non-construction related activities. The following non-construction related activities will be reviewed under MAIW eligibility. A scaled site drawing must accompany the application for each of the following:

##### 5.2.1 Nuisance Vegetation Control

The EPC encourages property owners to remove or control nuisance and exotic plant species from wetlands and other surface waters on their property. An application listing the proposed activities must be submitted for review and approval by the EPC staff. The application must list the plant species proposed for removal or control and the method to be used. Re-planting with native species may be required.

##### 5.2.2 Swimming Access



A maximum 25 foot wide vegetation clearing zone may be maintained from the shoreline to open water for swimming access. This 25 foot area is considered the encumbered area of the shoreline and locating all facilities such as docks and boat ramps in this area is encouraged. If the facilities cannot be located in this area, the widths of any docks or boat ramps must be subtracted from the 25 foot encumbered area.

### **5.2.3 Mulched Paths**

Mulched paths of no more than four feet wide and six inches deep may be allowed through wetlands. The paths must be located to avoid impacts to existing trees and to minimize impacts to existing native herbaceous wetland vegetation. Slope and path design shall be taken into consideration as part of the review.

### **5.2.4 Mowing**

Wetland mowing may only be conducted in those areas dominated by nuisance herbaceous species and only in areas where the activity will not cause harm to native tree and shrub species. No mowing or cutting of vegetation growing in standing water or wet soils shall take place.

## **5.3 Construction Related Activities**

The following MAIW eligible impacts are construction related activities and may be authorized in accordance with the guidelines described for each activity. A scaled site drawing must accompany the application for each of the following. Fences, docks, boat ramps, rip-rap, and boardwalks located along floodways may require a Federal Emergency Management Agency "No-Rise Study." Any activity subject to the regulatory authority of the Tampa Port Authority (TPA) shall not qualify for a MAIW authorization. These proposed activities will require a separate TPA permit.

### **5.3.1 Boat Ramps**

Single family residential boat ramps deemed eligible under the MAIW provisions shall be limited to a width of no greater than 12 feet and shall also be minimized to the greatest extent practicable. The above water portion of the ramp must be located landward of the mean or ordinary high water line or the top of bank. Excavation shall be limited to that amount of material necessary to construct the ramp. The ramp must be situated on the property so as avoid impacts to trees and to cause the least environmental impact. The installation and maintenance of appropriate erosion controls will be required. The width of the ramp will be subtracted from the maximum 25 foot encumbered area allowed per property.

### **5.3.2 Fences**

All proposals to construct fences within wetlands will be evaluated on a case-by-case basis. Impacts from fence installations shall be minimized to the greatest extent practicable. Several types of fence, including hog wire, wrought iron slats, split rail, 3-5 strand wire, wood privacy and chain link fence with the bottom elevated off the substrate at least four inches may be considered appropriate for construction within wetlands and other surface waters. Fences shall not be constructed to confine livestock or other animals solely within the wetland and shall not unreasonably impede the movement of wildlife. Fences shall not block navigation, create a navigational hazard, or impede the natural flow of water by itself or through the accumulation of debris.

### **5.3.3 Elevated Boardwalks**

Boardwalks shall be elevated above the surface water substrate at least three and a half feet and all attempts shall be made to route the boardwalk to avoid impacts to existing trees. Boardwalks approved under this section shall be limited to a width no greater than four feet for single family residences, five feet where the applicant requires ADA access, and six feet for commercial facilities. No excavation is permitted within the wetland or surface water except for the placement of the support posts. Temporary disturbance to wetland vegetation during installation is limited to an area of two feet on either side of the boardwalk.

### **5.3.4 Docks**

Proposals to construct docks are reviewed under the same standards as elevated boardwalks referenced above and shall be reviewed under the following additional criteria and conditions: A dock review will entail a detailed assessment of existing wetland and aquatic vegetation and benthic community at the proposed site. If the proposed location results in wetland impacts, the site shall be assessed for alternate locations which would minimize environmental impacts. Construction of the structure shall attempt to avoid the removal of any trees and shall be located to minimize vegetation disturbance or removal. All proposed vessel mooring slips or areas, including boatlifts, boathouses, and davits, must be located so that a minimum of two feet of water depth exists under the slip area during Mean Low, Ordinary Low or Low Guidance Level elevation water conditions, whichever is appropriate. The structure's terminal platform must be located waterward of or beyond the vegetative littoral fringe. No part of the structure shall be enclosed by walls or doors. No dredging, filling, clearing or scouring shall be allowed except for the setting of pilings. During construction activities, the area of temporary disturbance to vegetation shall be limited to two feet on either side of the structure. No fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on any structure shall be authorized through the MAIW. The structure shall be for recreational use only; with no more than one structure per single-family residence and shall be located within the applicant's area of submerged land ownership (within their property boundaries) or riparian limits. The applicant may construct a dock on property they do not own provided they obtain written authorization from the property owner.

### **5.3.5 Shoreline stabilization**

The Hillsborough County Comprehensive Plan discourages hardening of shorelines in Hillsborough County. The EPC has adopted that policy and encourages property owners to plant native vegetation or use other environmentally beneficial methods to prevent shoreline erosion. No filling to obtain usable uplands shall be authorized under a MAIW authorization. Proposals to re-grade and re-plant areas of minor erosion may be reviewed under this section. The use of rip rap revetment may be permitted pursuant to this section for those areas that have demonstrated significant, ongoing shoreline erosion where natural shoreline stabilization is not feasible.

The construction of new seawalls under this section will be considered only in residential man-made canal systems where existing functioning seawalls exist on both immediately adjacent properties and where any associated filling of wetlands or other surface waters is of nominal consequence and the new wall follows the contour of the existing shoreline. The applicant must also demonstrate the new seawall is necessary to prevent shoreline erosion.

Proposals for the repair of functional seawalls or similar structures within jurisdictional limits will be reviewed in accordance with the following criteria: the wall shall be located no greater than 18 inches waterward of the previous wall unless technical documentation is provided demonstrating additional space is required to repair the wall; and where no removal of non-nuisance vegetation or no additional filling of wetlands or other surface waters is necessary for the construction of the wall.



## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

Agenda Item # 8.c.

**Date of EPC Meeting:** October 15, 2020

**Subject:** Initiation of Executive Director's Annual Evaluation Process

**Agenda Section:** Regular Agenda

**Division:** Administration Division

**Recommendation:** Receive informational report on process and blank evaluation forms.

**Brief Summary:** Pursuant to the Executive Director's Employment Agreement, the Commission must perform an annual evaluation of her performance. The evaluation forms are attached and will also be distributed separately to the Commissioners. In the next few weeks, Ms. Dougherty will provide a self-evaluation to assist the Commissioners in objectively measuring her performance. She would also welcome personal meetings. The results will be compiled and presented during the next EPC Commission meeting, currently scheduled for January 14, 2021.

**Financial Impact:** No Financial Impact

**List of Attachments:** 1) Performance Evaluation Ranking Criteria Guidance  
2) Performance Evaluation Form

#### **Background:**

Annually, the Commission evaluates the performance of EPC Executive Director, Janet Dougherty. This usually occurs closely after the presentation of the Agency's Annual Report. Specifically, Section IX of the Executive Director's Employment Agreement states, "The Commission shall review and evaluate the Executive Director at least annually during the month of December or the next regular meeting of the Commission after December." This revised process was approved by the Commission in October of 2019. Due to the EPC not having a scheduled meeting in December 2020, it is anticipated that the evaluation will be conducted at the next regularly scheduled Commission meeting on January 14, 2021. In preparation for the annual evaluation, EPC administrative staff provide to the Commission a performance evaluation form and ranking criteria guidance (both attached) well in advance. In addition to the forms on this agenda item, staff will provide the Commissioners duplicate blank evaluation forms via e-mail. These forms have been used for the past few years to evaluate the performance of the Executive Director.

In order to assist the Commissioners in their evaluation, each will also receive a copy of the Commission approved performance goals indicating how the Agency is doing. These were set at the past January 2019 meeting and are updated quarterly as part of the agenda backup. Also, for the Commission's consideration, the Executive Director will provide in the next few weeks a self-evaluation and a brief listing of EPC

milestones 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 EPC Chair Commissioner Smith's office by December 23, 2020. The Chair will provide all the results to EPC administration. The results will be compiled and presented during the next EPC Commission meeting, January 14, 2021.

# PERFORMANCE EVALUATION RANKING CRITERIA

Janet Dougherty, Executive Director  
Environmental Protection Commission of Hillsborough County

October 15, 2020

*On the separately provided form please use the below ranking criteria to assess the Executive Director's behaviors, accomplishment of goals, and performance measures on core functions. Return the completed form to the EPC Chair.*

## Ranking Criteria:

### **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**

**2020 PERFORMANCE EVALUATION FORM**  
for JANET DOUGHERTY  
EXECUTIVE DIRECTOR  
ENVIRONMENTAL PROTECTION COMMISSION

*Insert a numerical ranking of 1 to 5 (5 being the highest) in each box and add optional comments at the bottom. See provided ranking criteria sheet for additional guidance.*

<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 Name: \_\_\_\_\_

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

Comments: