

**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**  
**September 24, 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** *(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 – August 13, 2020 ..... 2
  - b. Monthly Activity Report FY2020 (August) ..... 6
  - c. FY2020 Pollution Recovery Fund Budget..... 9
  - d. Legal Case Summary ..... 11
  - e. Request for Authorization for Legal Action Regarding Vehicle Emissions..... 15
- 7. PUBLIC HEARING** *(None)*
- 8. REGULAR AGENDA**
  - a. Presentation on MacDill Air Force Base and US Fish & Wildlife Service Partnership..... 16
  - b. Brownfields Program Update ..... 17
  - c. 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:** September 24, 2020

**Subject:** Approval of August 13, 2020 EPC meeting minutes

**Agenda Section:** Consent Agenda

**Division:** Administration Division

**Recommendation:** Approve the August 13, 2020 EPC meeting minutes.

**Brief Summary:** Staff requests the Commission approve the meeting minutes from the Commission meeting held on August 13, 2020.

**Financial Impact:** No Financial Impact

**List of Attachments:** Draft copy of the August 13, 2020 EPC meeting minutes.

**Background:** None

AUGUST 13, 2020 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, August 13, 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 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

Mr. Ryan Haczynski relayed noise concerns with The River at Tampa Bay Church and sought a repeal of the pandemic safety guideline exemptions for religious organizations.

6. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of EPC Meeting Minutes - June 25, 2020
- b. Monthly Activity Report Fiscal Year (FY) 2020 (June and July)
- c. FY 2020 Pollution Recovery Fund Budget
- d. Legal Case Summary
- e. Select Performance Measure Goals Quarterly Update

THURSDAY, AUGUST 13, 2020

Chairman Smith entertained a motion to approve the Consent Agenda. **Commissioner Miller so moved, seconded by Commissioner Murman.** Upon roll call vote, **the motion carried seven to zero.**

7. PUBLIC HEARING - None.

8. REGULAR AGENDA

- a. Near Road Air Quality and the Use of Low Cost Community and Personal Air Monitors - presented by Amy L. Stuart, Professor, University of South Florida Department of Occupational Health and Department of Civil and Environmental Engineering

Ms. Dougherty deferred to Messrs. Sterlin Woodard, Director, EPC Air Management Division, and Jason Waters, EPC; and Dr. Stuart, who expounded on the presentation. Following comments from Chairman Smith,

Commissioner Overman observed County roadway/transportation decisions and sought suggestions on methods to relay supplemental air quality monitoring recommendations, to which Dr. Stuart and Mr. Woodard responded. Commissioner Kemp inquired on the monitoring station costs, electrical vehicles/microparticle debris pollution challenges, and near-road air quality distances and mitigation options. Chairman Smith referenced the mitigation measures as a method to lower community risks and, regarding the County meeting the air quality standards, wanted clarification of the air study time period and whether the stay-at-home orders had an impact on the data. Commissioner Overman favored requiring mitigation factors for future transportation decisions and asked EPC staff to work with Dr. Stuart to make a presentation to the MPO for any further County highway expansions being in-line with the mitigation factors. Chairman Smith made closing remarks.

- b. Executive Director's Report

Subsequent to considerations on displaying the information, Environmental Protection Agency involvement with the reports/funding, and air/water quality connections, Ms. Dougherty supplied the report. Chairman Smith added comments.

9. DISCUSSION OF FUTURE AGENDA ITEMS - None.

THURSDAY, AUGUST 13, 2020

ADJOURN

There being no further business, the meeting was adjourned at 10:31 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:** September 24, 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 August 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>August</u> | <u>FISCAL YEAR<br/>TO DATE</u> |
|-----------|---|---------------|--------------------------------|
| <b>A.</b> | <b><u>Core Function: Citizen Support &amp; Outreach</u></b>   |               |                                |
| 1         | Environmental Complaints Received (see attached Divisional breakdown)                                       | 106           | see attached                   |
| 2         | Number of Presentations/Outreach Events   | 1             | 56                             |
| 3         | Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)                                 | 312           | 4271                           |
|           |   |               |                                |
| <b>B.</b> | <b><u>Core Function: Air &amp; Water Monitoring</u></b>   |               |                                |
| 1         | Air Monitoring Data Completeness<br>(Note: reflects previous month due to data acquisition delay)           | 98.5%         | N/A                            |
| 2         | Water Quality Monitoring Data Completeness<br>(Note: reflects previous month due to data acquisition delay) | 97.4%         | N/A                            |
| 3         | Number of Noise Monitoring Events   | 0             | 16                             |
|           |   |               |                                |
| <b>C.</b> | <b><u>Core Function: Environmental Permitting</u></b>   |               |                                |
| 1         | Permit/Authorization Applications Received  | 153           | 1721                           |
| 2         | Applications In-house >180 days   | 1             | N/A                            |
| 3         | Permits/Authorizations Issued   | 126           | 1481                           |
| 4         | Petroleum Cleanup Cases   | 145           | 1560                           |
|           |   |               |                                |
| <b>D.</b> | <b><u>Core Function: Compliance Assurance</u></b>   |               |                                |
| 1         | Compliance Inspections  | 383           | 3331                           |
| 2         | Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)   | 150           | 1512                           |
| 3         | Compliance Assistance Letters Issued  | 113           | 1804                           |
| 4         | Warning Notices Issued  | 21            | 191                            |
|           |   |               |                                |
| <b>E.</b> | <b><u>Core Function: Enforcement</u></b>  |               |                                |
| 1         | New Cases Initiated   | 11            | 42                             |
| 2         | Active Cases  | 52            | N/A                            |
| 3         | Tracking Cases  | 50            | N/A                            |
|           |   |               |                                |



# Citizen Support & Outreach

## Environmental Complaints Received for FY2020

09/14/2020 09:01 AM

| Environmental Complaints Received |  | Aug        | FY2020      |
|-----------------------------------|--|------------|-------------|
| <b>Agency Total</b>               |  | <b>106</b> | <b>1234</b> |
| <b>Air Division</b>               |  | <b>32</b>  | <b>338</b>  |
| General                           |  | 9          | 87          |
| Noise                             |  | 13         | 154         |
| Open Burning                      |  | 9          | 65          |
| Pollution                         |  | 1          | 32          |
| <b>Waste Division</b>             |  | <b>16</b>  | <b>169</b>  |
| General                           |  |            | 2           |
| Solid & Hazardous Waste           |  | 13         | 146         |
| SQG                               |  | 3          | 21          |
| <b>Water Division</b>             |  | <b>31</b>  | <b>280</b>  |
| General                           |  | 3          | 33          |
| Unauthorized Discharge/Disposal   |  | 7          | 69          |
| Wastewater                        |  | 14         | 121         |
| Water Pollution/Quality           |  | 7          | 56          |
| Wetland Clearing                  |  |            | 1           |
| <b>Wetlands Division</b>          |  | <b>27</b>  | <b>447</b>  |
| Dredge & Fill                     |  | 6          | 170         |
| General                           |  | 3          | 19          |
| Mangrove Impacts                  |  | 5          | 33          |
| Unauthorized Discharge/Disposal   |  |            | 1           |
| Unauthorized Seawall/Dock         |  | 5          | 58          |
| Wastewater                        |  |            | 1           |
| Water Pollution/Quality           |  |            | 6           |
| Wetland Clearing                  |  | 8          | 159         |





# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 6.c.

**Date of EPC Meeting:** September 24, 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 8/31/2020**

| REVENUE           |            | EXPENDITURES    |            | RESERVES          |            | NET PRF    |
|-------------------|------------|-----------------|------------|-------------------|------------|------------|
| Beginning Balance | \$ 706,379 | Artificial Reef | \$ 63,338  | Minimum Balance   | \$ 120,000 |            |
| Interest          | \$ 16,408  | Open Projects   | \$ 169,696 | Est. FY 21 Budget | \$ 33,338  |            |
| Deposits          | \$ 130,427 |                 |            | Asbestos Removal  | \$ 5,000   |            |
| Total             | \$ 853,214 | Total           | \$ 233,034 | Total             | \$ 158,338 | \$ 461,842 |

| 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      | \$ 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:** September 24, 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

September 24, 2020

#### Administrative Cases

| Case No.   | Case Style and Summary  |
|------------|---|
| 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 is under review.  |
| 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 has until September 25, 2020 to file an appeal in this matter.  |
| 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 has until September 25, 2020 to file an appeal in this matter.   |
| 20-EPC-007 | <b>Charles Orial and Aemilia Orial vs. Chandler Rapson and EPC:</b> 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 had until August 10, 2020 to file an amended appeal. Appellants failed to file a timely appeal and the appeal was dismissed with prejudice. This matter will be closed.   |
| 20-EPC-005 | <b>Club Deal 139 Tampa Commerce Center, LP vs. M &amp; B Products, Inc. and EPC:</b> 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. The Petitioner filed a Notice of Voluntary Dismissal and the case will be 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.   |
| 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  |
|------------|---|
| LEPC07-018 | <p><b>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.</p>  |
| 17-EPC-013 | <p><b>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.</p> |
| 16-EPC-002 | <p><b>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.</p>   |
| 15-EPC-007 | <p><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.</p>   |
| 14-EPC-011 | <p><b>Thomas Jennings and Lorene Hall-Jennings:</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 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>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:** September 24, 2020

**Subject:** Request for Authorization for Legal Action Regarding Vehicle Emissions

**Agenda Section:** Consent Agenda

**Division:** Legal Department

**Recommendation:** Authorize the EPC Executive Director to litigate additional vehicle emissions violations in coordination with current outside counsel and authorize the Executive Director to execute resolution documents. Additionally, ratify the filing of the lawsuit if filed prior to this Commission meeting.

**Brief Summary:** In March 2016, the Commission approved the use of outside counsel to litigate vehicle emission violations against various automotive companies (e.g. - Volkswagen) and their agents. New information revealed that additional automotive companies, including but not limited to Mercedes-Benz USA, LLC, have conducted similar actions that violate the EPC Act and rules. In general, the companies have tampered or altered software to pass emission tests in its vehicles.

**Financial Impact:** Litigation will be handled primarily by outside legal counsel that only recover fees and costs if the parties settle or the EPC is awarded a monetary judgment and recovers penalties and/or costs, thus no anticipated financial impact.

**List of Attachments:** None

**Background:** In March 2016, the Commission approved the use of outside counsel to litigate vehicle emission violations against various automotive companies (including but not limited to Volkswagen) and their agents. The litigation is ongoing. Our outside counsel recently informed us that additional automotive companies have tampered and/or altered software to pass emission tests in its vehicles that operate in Hillsborough County. This vehicle tampering leads to additional air pollution within the County. These activities violate the EPC Act and rules promulgated by the EPC Commission. The existing agreement with our outside counsel authorizes them to pursue additional vehicle emission violations, but in an abundance of caution we ask that the Commission ratify or approve this current and future related actions. The EPC can recover or obtain corrective actions, damages, penalties, and costs for violation of our Act and rules more effectively by using outside counsel who are already involved in the nationwide litigation. At the time of drafting of this agenda item the lawsuit has not been filed, however the Executive Director in consultation with the General Counsel and EPC Chair authorized the additional legal action due to potential pending deadlines. In the event the lawsuit is filed before the Commission meeting dated September 24, 2020, the Executive Director is requesting ratification of the action, authorization for future related actions, and the granting of authority to the Executive Director to execute settlement documents; if the lawsuit is yet to be filed, the Executive Director is requesting authority to litigate the additional case(s) and execute settlement documents. The new action may be filed against Mercedes-Benz USA, LLC, Daimler Aktiengesellschaft, Robert Bosch, LLC, and Robert Bosch GmbH, and in the future potential additional automotive companies (e.g. -Fiat Chrysler Automobiles, GM, etc.) and their agents.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 8.a.

**Date of EPC Meeting:** September 24, 2020

**Subject:** Fish and Wildlife Management at MacDill Air Force Base

**Agenda Section:** Regular Agenda

**Division:** Waste Management Division

**Recommendation:** No staff recommendation. Informational report only

**Brief Summary:** This report is regarding the U.S. Fish and Wildlife Program at MacDill AFB in Tampa, FL. Mr. Brendon Meyers' presentation is a comprehensive report on wildlife management at MacDill AFB.

**Financial Impact:** No Financial Impact

**List of Attachments:** None.

**Background:** The U.S. Fish and Wildlife Service currently works in partnership with MacDill Air Force Base through the state-wide U.S. Wildlife Service/Air Force Partnership Program. This is a broad scope partnership the goals of which are the preservation and restoration of natural resources at U.S. Air Force installations in Florida.





# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 8.b.

**Date of EPC Meeting:** September 24, 2020

**Subject:** Staff Presentation – EPC’s Brownfields Redevelopment Program

**Agenda Section:** Regular Agenda

**Division:** Waste Management Division

**Recommendation:** No staff recommendation. Informational report only

**Brief Summary:** This will be a 2-part presentation. The first part will present the FDEP’s Florida Brownfields Redevelopment Program Annual Report to the Governor and Legislature. Hillsborough County has five sites that are highlighted as success stories in the report. The second part of the presentation will focus on these Brownfield sites and how they are benefitting Hillsborough communities.

**Financial Impact:** No Financial Impact

**List of Attachments:** None.

**Background:** Since 2004, EPC has been delegated by the State FDEP to manage the Brownfields Program in Hillsborough County. The Brownfields program provides incentives for the redevelopment of environmentally-impacted properties, and EPC’s role is to manage the environmental remediation in accordance with Florida’s regulations. This 2-part presentation will focus on the statewide program status and the 5 sites highlighted by the Florida Department of Environmental Protection as Brownfield success stories. These sites are the Mitusina property in Ruskin, the former Hudson Nursery on North Dale Mabry, the former Tampa Jai Alai in South Tampa, the Madison Street Park in downtown Tampa, and the Gerdau Ameristeel former steel mill in Orient Park.