

COMMISSION
Mariella Smith, *Chair*
Pat Kemp, *Vice Chair*
Harry Cohen
Ken Hagan
Gwendolyn “Gwen” W. Myers
Kimberly Overman
Stacy White



Executive Director
Janet L. Dougherty

General Counsel
Ricardo Muratti

Meeting time
9:00 a.m.

COMMISSION AGENDA **August 19, 2021**

Location
Virtual meeting via communications
media technology – details below

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, and INVOCATION**
- 2. ROLL CALL**
- 3. CHANGES TO THE AGENDA**
- 4. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, or SEPARATE VOTE**
- 5. RECOGNITIONS and PROCLAMATIONS** *(None)*
- 6. 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 one hour prior to the start of the meeting.*
- 7. APPROVAL OF CONSENT AGENDA**
 - Consent Agenda Items**
 - a. Approval of EPC Meeting Minutes –May 20, 2021 2
 - b. Monthly Activity Report FY2021 (May, June, July) 6
 - c. Pollution Recovery Fund Budget FY2021 9
 - d. Legal Case Notification 11
 - e. Select Performance Measure Goals Quarterly Update 13
- 8. PUBLIC HEARING** *(None)*
- 9. REGULAR AGENDA**
 - a. Status Report on Phosphogypsum Stacks in Hillsborough County 15
 - b. Red Tide Update 16
 - c. Executive Director’s Report
- 10. 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.

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 # 7.a.

Date of EPC Meeting: August 19, 2021

Subject: Approval of May 20, 2021 EPC meeting minutes

Agenda Section: Consent Agenda

Division: Administration Division

Recommendation: Approve the May 20, 2021 EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on May 20, 2021.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the May 20, 2021 EPC meeting minutes.

Background: None

MAY 20, 2021 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, May 20, 2021, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

The following members were present: Chair Mariella Smith and Commissioners Harry Cohen, Ken Hagan (via telephone), Pat Kemp, and Stacy White.

The following members were absent: Commissioners Kimberly Overman and Gwen Myers.

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

▶ Chair Smith called the meeting to order at 9:00 a.m. ▶ Commissioner White led in the pledge of allegiance to the flag and gave the invocation.

2. ROLL CALL

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

3. CHANGES TO THE AGENDA

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

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

5. RECOGNITIONS and PROCLAMATIONS

EPC Employee Retirement Recognition for:

- Frank Arcuri (Waste Division)
- Marvin Blount (Air Division)
- Hooshang Boostani (Waste Division)

▶ Ms. Dougherty supplied a presentation. ▶ Dr. Richard Garrity, former EPC, Executive Director, provided appreciative remarks. Upon thanking the honorees, ▶ Chair Smith noted the leadership of the EPC.

6. PUBLIC COMMENT - ▶ None.

7. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of EPC Meeting Minutes - April 15, 2021

THURSDAY, MAY 20, 2021

- b. Monthly Activity Report Fiscal Year (FY) 2021 (April 2021)
- c. Pollution Recovery Fund Budget FY 2021
- d. Legal Case Notification
- e. Action Plans Quarterly Update
- f. Select Performance Measure Goals Quarterly Update

▶ Chair Smith sought approval of the Consent Agenda. ▶ **Commissioner White moved the item, seconded by Commissioner Kemp.** ▶ Following discussion on protocol for making motions on active microphones, Commissioner White requested a letter from the Clerk of the Circuit Court with regards to the recording of motions. Upon roll call vote, ▶ **the motion carried five to zero.** (Commissioners Myers and Overman were absent.)

8. PUBLIC HEARING

- a. Rule Adoption Public Hearing to consider amendments to Chapter V of the "Basis of Review for Authorization of Activities Pursuant to Chapter 1-11 Wetlands"

▶ EPC General Counsel Ricardo Muratti and ▶ Ms. Kimberly Tapley, EPC, touched on the item. ▶ Chair Smith called for public comment; there was no response. ▶ **Commissioner Kemp moved to approve the amendments to the basis of review, seconded by Commissioner White.** Upon roll call vote, ▶ **the motion carried five to zero.** (Commissioners Myers and Overman were absent.)

9. REGULAR AGENDA

- a. Hillsborough County's Community Vulnerability Study - Report Results and Outcomes

▶ Ms. Dougherty deferred to Messrs. Kevin Moran, EPC and ▶ Brian Cook, Florida Center for Community Design and Research, presented the findings. ▶ Chair Smith inquired on receiving the full comprehensive recommendations. Commissioner White discussed the transfer of development rights program used as a way to protect green space/wildlife habitat/coastal high hazards areas and the need for redevelopment credits. ▶ Commissioner Kemp advocated for Urban 3 to present a report to the EPC, raised a question with Florida Department of Transportation about bridges and the overlapping of

THURSDAY, MAY 20, 2021

water/infrastructure, and touched on seagrass being a protectant from flooding, to which ► Mr. Thomas Ash, EPC, responded. ► Commissioner Cohen noted the report focused on Board concerns/actions needed and referenced the upcoming summit with the Tampa Bay Area Regional Counsel. Talks occurred on keeping the recommendations moving forward. Chair Smith suggested having a comprehensive workshop and inquired on the recommended actions concerning coastal control lines/development/density and land acquisition.

b. Legislative Update

► Attorney Muratti explained the legislative update. Chair Smith spoke to the discharge of reclaimed water and future cost.

c. Executive Director's Report

► Mses. Dougherty and Stephanie Wickham, EPC, talked about the item.

10. DISCUSSION OF FUTURE AGENDA ITEMS

► Commissioner White asked for a report on hours invested with the Volkswagen lawsuit.

► Chair Smith examined the loss of seagrass and desired a report be brought back for future discussion regarding options for ordinances to address algae bloom/red tide.

ADJOURN

► There being no further business, the meeting was adjourned at 11:20 a.m.

READ AND APPROVED: _____
CHAIR

ATTEST:
CINDY STUART, CLERK

By: _____
Deputy Clerk

ad



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.b.

Date of EPC Meeting: August 19, 2021

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 reports for May, June, July FY21

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
FY21

		<u>May</u>	<u>June</u>	<u>July</u>	<u>FISCAL YEAR TO DATE</u>
A.	Core Function: Citizen Support & Outreach				
1	Environmental Complaints Received (see attached Divisional breakdown)				see attached
2	Number of Presentations/Outreach Events	8	4	1	43
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	366	477	327	3873
B.	Core Function: Air & Water Monitoring				
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	98.6%	95.5%	97.7%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	97.5%	97.9%	99.4%	N/A
3	Number of Noise Monitoring Events	6	0	1	27
C.	Core Function: Environmental Permitting				
1	Permit/Authorization Applications Received	191	183	151	1756
2	Applications In-house >180 days	11	4	8	N/A
3	Permits/Authorizations Issued	178	187	165	1637
4	Petroleum Cleanup Cases	112	141	177	1266
D.	Core Function: Compliance Assurance				
1	Compliance Inspections	307	136	275	3378
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	142	125	118	1278
3	Compliance Assistance Letters Issued	94	75	78	1076
4	Warning Notices Issued	18	18	11	185
E.	Core Function: Enforcement				
1	New Cases Initiated	4	6	7	44
2	Active Cases	57	59	64	N/A
3	Tracking Cases	46	45	47	N/A



Citizen Support & Outreach

Environmental Complaints Received for FY2021

08/11/2021 09:00 AM

Environmental Complaints Received	May	Jun	Jul	FY2021
Agency Total	139	131	108	1281
Air Division	54	43	31	457
General	24	2	4	65
Noise	25	30	20	285
Open Burning	3	5	2	58
Pollution	2	6	5	49
Waste Division	15	10	11	141
General				1
Solid & Hazardous Waste	12	4	8	107
SQG	3	6	3	32
Wastewater				1
Water Division	25	29	24	246
Dredge & Fill				1
General	4	2	1	21
Unauthorized Discharge/Disposal	3	5	4	38
Wastewater	6	14	12	128
Water Pollution/Quality	12	8	7	58
Wetlands Division	45	49	42	437
Dredge & Fill	13	17	6	122
General		2	3	10
Mangrove Impacts	4	8	1	50
Solid & Hazardous Waste			1	1
Unauthorized Seawall/Dock	6	4	6	47
Water Pollution/Quality				10
Wetland Clearing	19	11	13	146
Wetland Flooding/Drainage	3	7	12	51



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item #7.c.

Date of EPC Meeting: August 19, 2021

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 21 POLLUTION RECOVERY FUND
10/1/2020 through 7/31/2021**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 766,982	Artificial Reef	\$ 33,338	Minimum Balance	\$ 120,000	
Interest	\$ 789	Open Projects	\$ 439,936	Est. FY 22 Budget	\$ 33,338	
Deposits	\$ 153,603			Asbestos Removal	\$ 5,000	
Total	\$ 921,374	Total	\$ 473,274	Total	\$ 158,338	\$ 289,762

PROJECT	Project Amount	Project Balance
FY18 Projects		
Audubon Florida Invasive Removal 10131.102063.582990.5370.1293	\$ 50,000	\$ 9,404
TBW MacDill AFB Living Shoreline 10131.102063.582990.5370.1294	\$ 49,324	\$ 11,963
UF Small Farms For Clean Water 10131.102063.581990.5370.1295	\$ 15,750	\$ 14,269
	\$ 115,074	\$ 35,636
FY21 Projects		
TBW 2D Island Living Shoreline 10131.102063.582990.5370.1350	\$ 49,560	\$ 49,560
Eckerd College Microplastic Pollution 10131.102063.582990.5370.1351	\$ 49,450	\$ 49,450
Sun City Audubon Phase 2 Nature Trail 10131.102063.582990.5370.1352	\$ 20,000	\$ 12,000
USF Multidrug Resistant Bacteria 10131.102063.581990.5370.1353	\$ 50,000	\$ 50,000
Tampa P&R Ignacio Haya Park 10131.102063.581001.5270.1354	\$ 50,000	\$ 50,000
USF Fecal Source Detection 10131.102063.581990.5370.1355	\$ 50,000	\$ 50,000
ERI MacDill AFB Saltern Restoration 10131.102063.582990.5370.1356	\$ 37,000	\$ 37,000
ERI FWC Living Shoreline Demo Site 10131.102063.582990.5370.1357	\$ 42,000	\$ 42,000
UF/IFAS Florida Friendly Landscaping 10131.102063.581990.5370.1358	\$ 8,600	\$ 8,600
	\$ 356,610	\$ 348,610



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.d.

Date of EPC Meeting: August 19, 2021

Subject: Legal Case Notification

Agenda Section: Consent Agenda

Division: Legal Department

Recommendation: None. Informational.

Brief Summary: This notification is to assist Commissioners in identifying potential conflicts of interest that may exist and that may require disclosure prior to taking action in a quasi-judicial administrative matter. It is also intended to assist Commissioners in avoiding discussing matters with parties during administrative or civil litigation.

Financial Impact: Standard litigation costs are included in the Legal Department's operating budget, but any individual case may require a future budget amendment.

List of Attachments: None

Background: The EPC Legal Department primarily handles litigation in administrative and civil forums. A list of new litigation cases the EPC is involved in since the previous Commission meeting is provided below.

Administrative appeals (a/k/a administrative hearings, petitions, challenges, or Section 9 Appeals) involve challenges to agency actions such as permit application decisions or administrative enforcement actions (e.g. – citation or consent order). These proceedings are conducted before an appointed hearing officer who enters a recommended order after an evidentiary hearing. After the hearing officer issues the recommendation, the administrative appeal is transferred back to the Commission to render a final order. Acting in this quasi-judicial capacity, the Commission and all parties are subject to ex-parte communication restrictions. After receipt of an appeal or a request for an extension of time to file an appeal, the Commission should avoid discussing those cases. The below list of cases can assist Commissioners in identifying persons or entities that may present a conflict of interest. Certain conflicts may require the Commission to recuse themselves from voting on a final order. Please note, the Legal Department provides notice of sufficient appeals to the Commission via e-mail to assist in the conflict check process and as a reminder to limit communications; therefore, the Commission may have already received prior notification of the administrative case(s) listed below.

If the EPC becomes a party in civil litigation either through an approved Request for Authority to Initiate Litigation or by receipt of a lawsuit, the case will also be listed below. Any attorneys representing opposing party(ies) must communicate through the EPC counsel and should not contact the Commission directly. It also recommended that the Commissioners avoid discussing litigation prior to consulting with EPC counsel.

Please direct any calls or e-mails concerning administrative or civil litigation to the EPC Legal Department.

NEW LITIGATION CASES OPENED SINCE LAST EPC COMMISSION MEETING:

EPC Case No.	Date Opened	Case Type	Case Style	Division
21-EPC-007	06-02-21	Civil	U.S. Bankruptcy Court in re Jerry A. Lewis State Adversary Proceeding	Waste
21-EPC-008	06-28-21	Administrative	Teri and Jeffrey Willis v. F. Ripa and EPC	Wetlands
21-EPC-009	07-15-21	Variance/Waiver	Riverside Golf Course Community, LLC	Air



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.e.

Date of EPC Meeting: August 19, 2021

Subject: Select Performance Measure Goals for 2021

Agenda Section: Consent Agenda

Division: Executive Director Report

Recommendation: Informational Report

Brief Summary: As part of the EPC staff's strategic planning, the Agency measures key activities and set goals for 2021. These are tabulated and periodically presented to the Commission in the consent agenda.

Financial Impact: No Financial Impact

List of Attachments: Table Titled 2021 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.

2021 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2018	2019	2020	2021 YTD (2 nd Qtr)	2021 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	16 days	19 days	28 days	23 days	Less Than or Equal to 30 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	50 days	51 days	56 days	58 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	26 days	34 days	36 days	36 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	95%	92%	97%	94%	Greater Than or Equal to 90%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	98% in 3 Days	96% 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%	93%	92%	98%	96%	Greater Than or Equal to 90%



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.a.

Date of EPC Meeting: August 19, 2021

Subject: Status Report on Phosphogypsum Stacks in Hillsborough County

Agenda Section: Regular Agenda

Division: Water Division

Recommendation: Informational Report

Brief Summary: At the April 15, 2021 meeting of the Environmental Protection Commission, staff was directed to return at a future meeting to provide an informational presentation on the state of phosphogypsum stacks in Hillsborough County in light of the recent Piney Point emergency discharge.

Financial Impact: No Financial Impact

List of Attachments: None

Background: EPC staff will provide an informational report on the status of phosphogypsum stacks in Hillsborough County. This presentation is a result of the Commission's directive to staff at the April 15, 2021 EPC meeting to provide an update of the current state of other stacks within the Tampa Bay watershed in light of the emergency discharge that occurred in Manatee County's Piney Point facility.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.b.

Date of EPC Meeting: August 19, 2021

Subject: Red Tide Update

Agenda Section: Regular Agenda

Division: Water Division

Recommendation: Informational Report

Brief Summary: Staff will provide Commissioners with a brief update on the status of the 2021 red tide event in Tampa Bay.

Financial Impact: No Financial Impact

List of Attachments: None

Background: EPC staff, along with FWC, Pinellas County, Manatee County, Sarasota County, the Tampa Bay Estuary Program, and Hillsborough County's EOC have been monitoring the status of this year's red tide event and EPC staff will be providing a brief update on the status of the response and cleanup efforts to date as well as the latest forecasting tools and information being used to track the bloom.