

**COMMISSION**

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



**Executive Director**

Janet D. Lorton

**General Counsel**

Ricardo Muratti

**Meeting time**

9:00 a.m.

**COMMISSION AGENDA  
May 19, 2022**

**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**

- a. Recognition of high school student, Suchi Patel, winner of the 2022 EPC Environmental Merit Award for her project: “Utilizing Microalgae Free Cells to Combat Dinoflagellate *Karenia brevis* Algae Blooms”
- b. Recognition and farewell to retiring employees:
  - 1) Sheila Luce, Waste Division
  - 2) Paula Noblitt, Water Division
  - 3) Tom Ash, Water Division

**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. Monthly Activity Report FY2022 (March and April) ..... 3
- b. Pollution Recovery Fund (PRF) Budget FY2022..... 6
- c. Amendment of PRF Agreement with Tampa Bay Watch Inc. for the MacDill Living Shoreline ..... 8
- d. Legal Case Notification..... 12
- e. Select Performance Measure Goals Quarterly Update ..... 14

**8. PUBLIC HEARING**

- a. Conduct a public hearing and adopt amendments to Chapter 1-11, Basis of Review – Chapter V and Chapter 1-6, Rules of the EPC..... 16

**9. REGULAR AGENDA**

- a. Noise Program Overview ..... 38
- b. 2022 Clean Air Fair Recap ..... 39
- 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:** May 19, 2022

**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 March and April FY22

**Background:** Select data that is associated with the EPC's five core functions; outreach, monitoring, permitting, 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**

**FY22**

		<u>March</u>	<u>April</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)			see attached
2	Number of Presentations/Outreach Events	8	24	52
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	475	401	2461
<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)	94.5%	95.4%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.7%	99.8%	N/A
3	Number of Noise Monitoring Events	1	2	14
<b>C.</b>	<b><u>Core Function: Environmental Permitting</u></b>			
1	Permit/Authorization Applications Received	182	177	1097
2	Applications In-house >180 days	1	0	N/A
3	Permits/Authorizations Issued	181	149	1057
4	Petroleum Cleanup Cases	105	103	669
<b>D.</b>	<b><u>Core Function: Compliance Assurance</u></b>			
1	Compliance Inspections	395	302	2133
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	208	96	863
3	Compliance Assistance Letters Issued	171	110	1070
4	Warning Notices Issued	26	20	144
<b>E.</b>	<b><u>Core Function: Enforcement</u></b>			
1	New Cases Initiated	1	4	31
2	Active Cases	34	31	N/A
3	Tracking Cases	26	29	N/A



# Citizen Support & Outreach

## Environmental Complaints Received for FY2022

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Environmental Complaints Received	Mar	Apr	FY2022
<b>Agency Total</b>	<b>126</b>	<b>152</b>	<b>918</b>
<b>Air Division</b>	<b>41</b>	<b>54</b>	<b>374</b>
General	7	14	52
Noise	26	27	234
Open Burning	2	6	59
Pollution	6	7	29
<b>Waste Division</b>	<b>9</b>	<b>10</b>	<b>70</b>
General	1		3
Solid & Hazardous Waste	6	9	51
SQG	2	1	16
<b>Water Division</b>	<b>40</b>	<b>43</b>	<b>227</b>
General	8	8	23
Unauthorized Discharge/Disposal	10	10	56
Wastewater	20	21	126
Water Pollution/Quality	2	4	22
<b>Wetlands Division</b>	<b>36</b>	<b>45</b>	<b>247</b>
Dredge & Fill	12	13	84
General		2	10
Mangrove Impacts	7	2	30
Solid & Hazardous Waste			2
Unauthorized Discharge/Disposal			1
Unauthorized Seawall/Dock	5	10	32
Water Pollution/Quality	1	2	4
Wetland Clearing	11	11	73
Wetland Flooding/Drainage		5	11



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #7.b.

**Date of EPC Meeting:** May 19, 2022

**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 22 POLLUTION RECOVERY FUND  
10/1/2021 through 4/30/2022**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 857,373	Artificial Reef	\$ 33,338	Minimum Balance	\$ 120,000	
Interest	\$ (10,870)	Open Projects	\$ 419,246	Est. FY 23 Budget	\$ 33,338	
Deposits	\$ 119,802			Asbestos Removal	\$ 5,000	
Total	\$ 966,304	Total	\$ 452,584	Total	\$ 158,338	\$ 355,382

PROJECT	Project Amount	Project Balance
<b>FY18 Projects</b>		
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
	\$ 99,324	\$ 21,367
<b>FY21 Projects</b>		
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
USF Multidrug Resistant Bacteria	10131.102063.581990.5370.1353 \$ 50,000	\$ 48,725
Tampa P&R Ignacio Haya Park	10131.102063.581001.5370.1354 \$ 50,000	\$ 50,000
USF Fecal Source Detection	10131.102063.581990.5370.1355 \$ 50,000	\$ 42,046
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	\$ 3,500
UF/IFAS Florida Friendly Landscaping	10131.102063.581990.5370.1358 \$ 8,600	\$ 8,600
	\$ 336,610	\$ 288,881
<b>FY21 Projects</b>		
DOH/EPC Radon Study	10131.102063.534990.5370.1359 \$ 21,000	\$ 21,000
DOH/EPC Radon Study	10131.102063.552001.5370.1359 \$ 14,000	\$ 14,000
		\$ 35,000



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 7.c.

**Date of EPC Meeting:** May 19, 2022

**Subject:** First Amendment to PRF Agreement with Tampa Bay Watch, Inc. - MacDill Living Shoreline project

**Agenda Section:** Consent Agenda

**Division:** Water Division

**Recommendation:** Authorize the Chair to execute an amendment to the PRF Agreement between EPC and Tampa Bay Watch, Inc. to 1) Extend the agreement expiration date to July 23, 2022. Extended deadline is retroactive to the original deadline of January 23, 2022; and 2) Reallocate \$3072.52 in PRF funds between budget categories without an increase in the approved budget.

**Brief Summary:** Pollution Recovery Fund Project #17-04 MacDill Living Shoreline was approved for \$49,324.25 in PRF funds on October 19, 2017. The project has been completed, but the final report and billing were not submitted prior to the project expiration date of January 23, 2022. In addition, due to health considerations during the project duration, volunteers were not utilized as initially planned, resulting in an increase in personnel costs. This increase in the "Personnel" budget category is offset by reduced costs in the "Other" and "Materials" budget categories.

**Financial Impact:** No financial impact.

**List of Attachments:** First Amendment to PRF Agreement with Tampa Bay Watch, Inc. - MacDill Living Shoreline project

**Background:** The Pollution Recovery Fund (PRF) is established in the EPC Act by the Legislature. The PRF is funded solely by administrative penalties obtained through enforcement action against persons and entities that have violated EPC rules. Among other uses, the PRF funds can be used to restore polluted areas, mitigate the effects of pollution, or to otherwise enhance pollution control activities in the County. The Commission is charged with distributing PRF that meets the statutory and rule-based criteria.

Tampa Bay Watch, Inc. applied for and EPC approved PRF Project #17-04 (MacDill Living Shoreline) for \$49,324.25 in PRF funds on October 19, 2017. The project has been completed, but the final report and billing were not submitted prior to the project expiration date of January 23, 2022. In addition, due to health considerations during the project duration, volunteers were not utilized as initially planned, resulting in an increase in personnel costs. This increase in the "Personnel" budget category is offset by reduced costs in the "Other" and "Materials" budget categories. There is no increase in the amount of money being awarded.

Tampa Bay Watch and the EPC staff request that Commission approve the following two actions and authorize the Chair to execute them in an agreement amendment: 1) Extend agreement and project expiration



date to July 23, 2022. The extended deadline is retroactive to the original deadline of January 23, 2022; and 2) Reallocate \$3072.52 in PRF funds between budget categories as follows:

- a) \$1,600.00 will be removed from “Other” costs;
- b) \$1,472.52 will be removed from “Materials” costs; and
- c) \$3,072.52. will be added to “Personnel” costs.

**FIRST AMENDMENT TO THE  
POLLUTION RECOVERY FUND AGREEMENT #17-04 between  
The ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
And  
TAMPA BAY WATCH, INC.**

**THIS FIRST AMENDMENT TO THE AGREEMENT** for the project titled **MacDill AFB Living Shoreline Creation Project** is made and entered into on the date noted by the last signatory below by and between the **ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as the **EPC**, and **TAMPA BAY WATCH, INC.**, a 501(c)(3) non-profit, hereinafter referred to as **GRANTEE**;

**WITNESSETH**

**WHEREAS**, the EPC is a local environmental agency established by Chapter 84-446, Laws of Florida as amended (EPC Act); and

**WHEREAS**, the EPC Act Section 19 established a Pollution Recovery Fund (PRF) for the purpose of funding, among other projects, environmental restoration, pollution mitigation, pollution control, and environmental protection education projects; and

**WHEREAS**, GRANTEE Tampa Bay Watch, Inc. submitted an application to the EPC to utilize funding from the Pollution Recovery Fund to perform the project titled: MacDill AFB Living Shoreline Creation Project (hereinafter referred to as "Project") as further detailed in the attached Scope of Work; and

**WHEREAS**, the EPC Commission determined that funding in the amount of **\$49,324.25** for GRANTEE's Project was an appropriate and worthy expenditure of public funds on October 19, 2017; and

**WHEREAS**, the parties entered into the Pollution Recovery Fund Agreement (Agreement) on January 24, 2018 that expired on January 23, 2022; and

**WHEREAS**, the GRANTEE has requested the Agreement expiration date be extended retroactively; and

**WHEREAS**, the GRANTEE requested to reallocate PRF funds between budget categories from what was originally proposed because personnel costs have increased since the proposal was written, because volunteers were not able utilized due to health considerations during the project duration. This request includes decreasing "Other" costs by \$1,600.00, decreasing "Materials" costs by \$1,472.52, and increasing "Personnel" costs by \$3,072.52. The requested budget amendments do not affect the total amount originally budgeted and approved for PRF funding.


**NOW, THEREFORE,** the GRANTEE, and EPC hereby amend the Agreement as follows:

1. The deadline in paragraph 2 of the Agreement is extended to July 23, 2022. This extended deadline is retroactive to the original deadline of January 23, 2022. This First Amendment to the Agreement is effective upon the date of execution by the last signatory. The Agreement, as amended, continues until all funds are expended, the Agreement is cancelled, or until July 23, 2022, whichever occurs first. The Scope of Services is also amended to reflect the amended expiration date of the First Amendment to the Agreement.
2. A portion of the approved Pollution Recovery Fund monies detailed in the Agreement Attachment 1 (Scope of Work) Section C in the amount of \$3,072.52 will be reallocated between budget categories as follows:
  - a) \$1,600.00 will be removed from "Other" costs
  - b) \$1,472.52 will be removed from "Materials" costs
  - c) \$3,072.52. will be added to "Personnel" costs
3. Except as noted in paragraph 1 and 2 above, all other provisions of the Agreement and any attachments remain unchanged and in full force and effect.

**ENVIRONMENTAL PROTECTION  
COMMISSION OF HILLSBOROUGH  
COUNTY**

**TAMPA BAY WATCH, INC.**

By: \_\_\_\_\_  
**Mariella Smith, EPC Chair**

By:   
**Peter A. Clark, President**

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

Date: 19 April 2022



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 7.d.

**Date of EPC Meeting:** May 19, 2022

**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 cases the EPC opened since the previous Commission meeting is provided below. Occasionally, a new case or cases, may be disposed of in between the prior and current EPC meetings, yet this list will still be provided for continuity and consistency.

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 purpose of providing notice of new cases is to 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:**

<b>EPC Case No.</b>	<b>Date Opened</b>	<b>Case Type</b>	<b>Case Style</b>	<b>Division</b>
22-EPC-005	03-30-22	Administrative	Jack Sanders and Christine Sanders v. Oak 9408 LLC and EPC	Wetlands
22-EPC-006	04-15-22	Administrative	Kenneth Goodwin and Lenore Krentz Trustee v. Park Square Enterprises, LLC and EPC	Wetlands



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #7.e.

**Date of EPC Meeting:** May 19, 2022

**Subject:** Select Performance Measure Goals for 2022

**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 2022. These are tabulated and periodically presented to the Commission in the consent agenda.

**Financial Impact:** No Financial Impact

**List of Attachments:** Table Titled 2022 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.

# 2022 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2019	2020	2021	2022 (1st Qtr)	2022 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	19 days	28 days	23 days	28 days	Less Than or Equal to 30 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	51 days	56 days	58 days	41 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	34 days	36 days	34 days	34 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	92%	97%	93%	100%	Greater Than or Equal to 95%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	96% in 3 Days	96% in 3 Days	97% in 3 Days	99% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	92%	98%	98%	100%	Greater Than or Equal to 90%



## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

Agenda Item # 8.a.

**Date of EPC Meeting:** May 19, 2022

**Subject:** Rule Adoption Public Hearing to consider amendments to the Basis of Review, Chapter V and amendments to Section 1-6.05, Rules of the EPC

**Agenda Section:** Public Hearing

**Division:** Wetlands Division

**Recommendation:** Approve adoption of rule amendments to Chapter V of the “Basis of Review for Authorization of Activities Pursuant to Chapter 1-11 – Wetlands” (BOR) and approve adoption of rule amendments to the EPC Fee Schedule, Wetlands Division, Section 1-6.05, Rules of the EPC, and authorize staff to make typographic corrections as needed.

**Brief Summary:** Pursuant to EPC Act and Chapter 1-2, Rules of the EPC, a Noticed Public Hearing shall be held by the Commission to approve or amend a rule. EPC staff drafted proposed amendments to Chapter V of the BOR and Chp. 1-6 to provide clarity to applicants who wish to obtain authorization for activities in wetlands, to codify current practices, and to amend the rule for consistency with other State and local government agency regulations.

**Financial Impact:** De minimis decrease in permit fee collection.

**List of Attachments:** Proposed Amended Basis of Review for Authorization of Activities Pursuant to Chapter 1-11 – Wetlands: Chapter V – Miscellaneous Activities in Wetlands (Draft version dated May 12, 2022) and Proposed Amended Section 1-6.05, Rules of the EPC Wetlands Division Fee Schedule (Draft version dated April 6, 2022)

**Background:** In 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, MAIW are those activities that constitute development within wetlands or other surface waters that are considered to have a minor impact on those wetlands or other surface water functions thus qualifying them for a permit under Chapter 1-11 (the EPC Wetlands Rule) and the associated BOR. 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.

In May of 2021, at request of the staff, the Commission adopted substantial changes to Chapter V of the BOR to help bring clarity and efficiency to the permitting process. The rule changes have been very



effective; nonetheless, having implemented the rule revision for almost a year, staff and stakeholders have identified additional recommendations to improve the rule. The changes are not intended to be extensive and they further the initial goal of providing clarity to applicants seeking to obtain an MAIW authorization. Among other things, the proposed rule amendments clarify existing language as currently applied by EPC staff and incorporates feedback from the regulated community and other stakeholders.

One clarification is the Whole Lake Treatment section title was revised to Aquatic Plant Control to better represent the activity of the section and because these control activities are not limited to lakes, but also apply to other waterbodies such as ponds and rivers. Additionally, the noticing requirements of an Aquatic Plant Control MAIW were modified to exempt federal, State, and local governments from mailing or delivering a copy of the permit to property owners. This will streamline the potable water treatment processes which are beneficial to the general public. Nonetheless, these governments must still notice users of the waterbody of use restrictions of the waterbodies at common access points.

After the implementation of the new Whole Lake Treatment section in 2021, staff identified that the removal of floating tussocks did not fit under either Aquatic Plant Control (formerly, Whole Lake Treatment) because they are not composed of the appropriate vegetation type, nor do they qualify for Nuisance Vegetation Control because they are not rooted along a shoreline. Utilizing certain criteria from both sections and incorporating criteria regularly included in prior MAIW authorizations, a new section for floating tussock removal is proposed. The MAIW for the removal of tussocks is required when the tussock is composed of predominantly native wetland vegetation. Another clarification is in the Fence section which clearly identifies the fence materials that are appropriate in wetlands. This clarification furthers the intent of the May 2021 revisions where privacy fences were removed from the list of appropriate materials.

Marginal Structures was a new section created in May 2021. Since its application, many contractors and other stakeholders provided feedback to improve the rules application and to clarify the criteria. Utilizing this feedback, the definition of a marginal structure was revised to remove the requirement that the shape of the marginal dock must be “uniform” (i.e. – a rectangle). Additionally, the removal of the “uniform” requirement accommodates a structure which remain parallel to the shoreline, but the shoreline may have turns or deviations which prevent true uniformity.

Based on stakeholder feedback and support from the Commission to encourage property owners to use environmentally beneficial methods to prevent shoreline erosion, the proposed amendments re-organize a subsection within Section 5.3.5., now titled “Native Based Solutions.” This section includes native shorelines (an existing activity type) and native shorelines with minimum shoreline hardening (a new activity type). These revisions were made to identify criteria for such activities, including use of breakwaters and soil confinement technology (commonly known as geoweb). These materials are often necessary to enhance the survivability of shoreline vegetation and to protect them from wave action.

In the 2021 rule amendments, EPC created Section 5.4, Exempt Activities which identified activities that are of nominal consequence to the wetland and require little review or have little potential for environmental impacts. To address feedback from the regulated community, one exemption has been expanded and another exemption created. First, exemption (6) encourages the planting of native vegetation as a shoreline stabilization measure. However, feedback was received that native plantings require support to enhance the survivability of vegetation. Thus, the use of fiber logs has been added to the existing native planting exemption. To correspond with the new MAIW section 5.2.6 for the removal of floating tussocks composed of predominantly *native* vegetation, a new exemption was added for the removal of tussocks which are composed of predominantly non-native vegetation with similar criteria.

These rule amendments clarify ongoing practices to afford the applicant a better understanding of the rule criteria, saving time and increasing permitting efficiency. The increased specificity improves and streamlines the process so that project submittals will have more detailed guidance on what activities qualify for an MAIW permit or exemption.

For consistency purposes and to promote native shorelines as an erosion control measure, Section 1-6.05, of the EPC Fee Schedule proposes two primary amendments. The first is revising the activity name of a specific fee schedule from “Whole Lake Treatment” to the proposed “Aquatic Plant Control.” Second, EPC proposes a 50% fee reduction for those applications which propose a Native Based Solutions shoreline activity pursuant to the proposed Section 5.3.5.(1) amendments.

Staff have conducted two public workshops with stakeholders to review the proposed amendments and seek feedback. The two workshops were held on April 13 and 14, 2022. The rule drafts, notice of workshops, and notice of opportunity to send comments were provided via multiple group e-mails, social media postings, and website postings over the past three months. The few comments received during the workshop period have been considered by staff for incorporation in the proposed rule amendments.

Pursuant to noticing requirements in the EPC Act and Chapter 1-2, Rules of the EPC, this public hearing was noticed in the newspaper on May 4, 2022. The notice of the public hearing was also posted on the EPC website on May 5, 2022. The proposed rule amendments corresponding to the public notice were posted on the EPC website on May 3, 2022 and on May 12, 2022 an update to the BOR Ch. 5 proposed rule amendment was posted.

EPC staff requests the Commission conduct a public hearing, approve adoption of the rule amendments, and in the event any typographical errors are discovered after the hearing, make the necessary non-substantive corrections, prior to filing the rule with the clerk.

**DRAFT 05/12/2022**

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY**

**BASIS OF REVIEW**

**For**

**AUTHORIZATION OF ACTIVITIES PURSUANT TO  
CHAPTER 1-11 – WETLANDS**

***CHAPTER 5 REVISION***

**- EPC Wetlands Division -**

CODING: Words ~~stricken~~ are deletions; words underlined are additions.  
Draft document – May 2022

## 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. A Wetland Impact Review pursuant to Section 1-11.07, Rules of the EPC, shall be required for all proposed activities which do not meet the specified criteria contained herein. The issuance of an MAIW authorization or qualifying for an exemption from an MAIW does not convey to the applicant or create in the applicant any property right or any interest in real property, nor does it authorize any entrance upon or activities on a property that is not owned or controlled by the applicant. 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 shall be required where necessary to ensure adequate erosion control and to encourage native re-vegetation.

#### 5.2.2 Swim and Open Water Access

A maximum 25 foot wide vegetation clearing zone may be maintained from the shoreline to open water for swim access, open water access, and construction/location of facilities. Native tree species removal is prohibited under this section. The width of all facilities such as docks and boat ramps are considered a portion of the 25 foot wide access area. If

the facilities cannot be located in this area, the widths of any docks or boat ramps must be subtracted from the 25 foot swim or open water access area, thus reducing the swim or open water access area width along the shoreline. To lessen adverse impacts to natural shoreline features it may be advisable to co-locate facilities. Vegetation clearing beyond the littoral fringe shall be limited to the minimum amount necessary to allow for watercraft to access the waterbody.

### 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.

### 5.2.5 ~~Whole Lake Treatment~~ Aquatic Plant Control

#### A. Introduction.

“Aquatic plant control” (formerly known as “Whole lake treatment”) constitutes “clearing” of surface waters, including lakes and all other surface waters, under the definition of “development” as defined in Section 1-11.02(2)(b), Rules of the EPC. However, ~~whole lake treatment~~ aquatic plant control conducted in open-water portions of the surface water and in accordance with this Section will qualify as an activity of nominal consequence to the surface water under Section 1-11.10(1)(b), Rules of the EPC. ~~Whole lake treatment~~ Aquatic plant control can include entire waterbody treatment or be limited to portions of a waterbody. ~~Whole lake treatment~~ Aquatic plant control does not include the activities concerning emergent vegetation such as shorelines and littoral areas which are regulated by Chapter 1-11, Rules of the EPC and Section 5.2.1 and Section 5.2.2, Basis of Review. ~~Whole lake treatment~~ Aquatic plant control activities are limited to removal or ~~maintenance~~ treatment of only submersed plants (i.e., those located underwater such as hydrilla, milfoils, and algae) and floating-leaf plants (e.g. water lettuce, hyacinth, and spatterdock) that exist in the open water portion of the waterbody. Disturbing, removing, or dredging of sediment is prohibited under this Section.

#### B. ~~Whole Lake Treatment~~ Aquatic Plant Control Noticed Exemption.

~~Whole lake treatment~~ Aquatic plant control activities targeted to algae, or non-native vegetation shall be exempt from Chapter 1-11 subject to the following conditions:

(1) Non-native vegetation are plants identified in the University of South Florida Atlas of Florida Plants under the status as non-native. Algae treatment may include native and non-native species.

(2) In accordance with Ch. 1-11.11(1)(b), Rules of the EPC, thirty (30)

calendar days after receipt of written notice of the proposed activity by the Wetlands Division by hand delivery or U.S. Mail or via EPC's online notification process, using the appropriate form, and upon no agency denial being issued, ~~whole lake treatment~~ aquatic plant control of algae and non-native vegetation in surface waters shall be exempt provided the activity meets all conditions below and all conditions in Section 5.2.5(D) and (E), and the activity is reviewed and approved by other appropriate agencies as necessary.

(3) The written notice must include the following information:

- (a) The area of treatment must be identified in a scaled site drawing;
- (b) The type of removal implemented, i.e., hand, mechanical or herbicide;
- (c) The species of targeted vegetation; and
- (d) A list of Folio numbers for all properties proposed for treatment.

~~(4) This exemption from EPC authorization does not authorize access to other person's private property nor is it intended to provide any property interest in or easement to access the waterbody.~~

(5) After receipt of the written notice by EPC, and if no agency denial is issued regarding the notice, no additional written notice is required for the same activity in the same location for a period of three (3) years after receipt of the initial notice. A new notice exemption shall be submitted after three (3) years or if the activities change from the original notice exemption. Noticing potential users of the treated waterbody under this noticed exemption shall be done according to section 5.2.5. E.(2) prior to each treatment event within the three (3) year period.

~~(6)~~ These exemptions do not imply exemption from obtaining all proper permits or complying with regulations of other federal, State or local agencies.

~~(7)~~ These exemptions do not apply to surface waters created, enhanced, or restored as mitigation for wetlands or surface water impacts under a permit issued by the Executive Director, Florida Department of Environmental Protection (DEP), Water Management District, or United States Army Corps of Engineers.

### C. ~~Whole Lake Treatment~~ Aquatic Plant Control MAIW.

~~Whole lake treatment~~ Aquatic plant control targeted to native vegetation may be authorized through an MAIW. The following conditions apply to all aquatic plant control ~~whole lake treatment~~ activities approved under an MAIW permit:

(1) Applications and noticing under this Section shall include the following information:

- (a) The area of treatment must be identified in a scaled site drawing;
- (b) The type of removal implemented, i.e., hand, mechanical, or by herbicide;
- (c) The species of targeted vegetation;
- (d) A list of Folio numbers for all properties proposed for treatment.

(2) Any vegetation control will be limited to no more than forty (40) percent of the native vegetation within the treatment area within a three-year period.

(3) The applicant shall minimize vegetation control to the extent to preserve suitable native vegetation in the water body.

(4) Documentation that the applicant has notified in writing or obtained owner's authorization from all affected submerged lands owners and all adjacent uplands property owners or, in the event the upland owners are not primary residents, then a copy shall be sent to the current residents of those properties. Alternatively, the applicant may

provide notice by posting a sign in a conspicuous place upon the property which is the subject of the permit and at all public access points to the waterbody. The posted signs must be no smaller than a 30 inch by 48 inch sign and must be legible from the nearest public road. The notice shall be posted by the applicant at the applicant's expense no later than 15 calendar days after submittal of any application. Signage must remain on the property for at least 30 calendar days but must be removed by the applicant no later than 30 calendar days after the issuance or denial of the permit. The notice format shall be available by contacting the Wetlands staff, but at a minimum the notice must include the following: the location of the proposed site for permit or authorization; the type of permit or authorization requested; and how to obtain additional information from the staff regarding the proposed permit or authorization.

(5) In the event a submerged land property owner objects in writing to the proposed vegetation control on their specific property, that property shall be excluded from the treatment area. The property owner may object up until 20 days after they receive notice of the permit.

(6) At the applicant's expense, the applicant shall provide a copy of the permit and Notice of Rights ("Notice") to all submerged land property owners of the treatment area and all adjacent upland property owners to the treatment area ("affected property owners"). In the event the upland owners are not primary residents, then Notice shall be provided to the current residents of those properties. If the means of removal is via mechanical process or spot treatment, the applicant must only provide Notice to the property owners who are the submerged land property owners of the treatment area or who are the immediately adjacent upland residents to the treatment area.

(7) In all cases, the applicant shall submit documentation to the EPC that verifies the notices have been provided as described in paragraph (6).

(8) No activities authorized under this Section may occur until thirty (30) days after verified receipt of the documentation described above in paragraph (7). In the event an applicant can provide proof of receipt of the permit and Notice of Rights as described above, activities may occur twenty-one (21) days after the notices have been provided, and upon the permit becoming final.

(9) If the method of treatment is herbicide and there are no use restrictions on the herbicide label for treated waters, the requirements of Sections 5.2.5.C.(6), (7), and (8) do not apply when treatment is conducted by federal, state, or local governments. If the herbicide treatment includes use restrictions on the herbicide label for treated waters, the federal, state, or local government applicant shall provide notice to all affected property owners in accordance with two or more of the following methods: 1) hand deliver, U.S. mail, or e-mail a copy of the use restrictions to all affected property owners; 2) publish notice of the use restrictions and agency action in a newspaper of general circulation; or 3) publish notice of the use restrictions and agency action on the government applicant's website. The requirements of Sections 5.2.5.E.(2) and (3) are still applicable. Notice shall occur after the permit is issued but prior to the herbicide treatment and documentation of such notice shall be provided to EPC within 30 days of notice.

~~(10)~~ Any person engaged in ~~whole-lake treatment~~ aquatic plant control must have a copy of the MAIW permit when conducting control activities.

D. Conditions Applicable to All ~~Whole Lake Treatment~~ Aquatic Plant Control.

(1) The applicant must be an owner of some portion of submerged lands within the waterbody or own property immediately adjacent to the waterbody. Persons

authorized to represent multiple ~~riparian~~property owners such as, but not limited to, governmental agencies and officers of homeowners associations may submit an application on behalf of the ~~riparian~~property owners.

(2) Vegetation removed from the waterbody shall be properly disposed of in accordance with local, State, and federal law. Any vegetation materials removed shall be located to prevent the return of the materials back into the surface water or other wetlands.

(3) All non-targeted/ unauthorized vegetation shall remain unaffected by the treatment. If non-targeted species are affected by the treatment beyond any minor incidental impacts, replanting of these species will be required.

(4) ~~Whole lake treatment~~Aquatic plant control is prohibited in areas that serve as significant habitat, such as roosting or nesting areas, for State listed threatened or endangered species.

(5) ~~Whole lake treatment~~Aquatic plant control shall include best management practices for turbidity and other pollution control to prevent violations of State or EPC water quality standards.

E. Management Activities and Treatment Noticing for Herbicide Treatment.

(1) If the method is herbicide control, any herbicides proposed for treatment shall be approved for use in aquatic systems by the Environmental Protection Agency (EPA) and must be applied in accordance with the label directions.

(2) Prior to undertaking herbicide control activities for exempt or non-exempt ~~whole lake treatment~~aquatic plant control, each permittee shall notify potential users of the treated waterbodies, ~~subject to or affected by the whole lake treatment~~, of any use restrictions on the herbicide label for treated waters. The permittee must post a sign on the permittee's property and at each common waterbody access points, identifying that herbicide is being applied and any ~~the~~ water use restrictions to notify the public. In addition, permittee is encouraged to use one or more of the following methods of notice for posting herbicide treatment and any water-use restrictions to properly notify the affected public:

- (a) The placement of notices at the management site.
- (b) The establishment of a signal or marker system.
- (c) Giving notice at established point of contact.
- (d) Giving notice via e-mail or regular mail to all affected property owners.

(3) The notice shall include, at least, the types of water-use activities which will be temporarily prohibited, or restricted, and the dates for which these prohibitions, or restrictions, are applicable. The notice must remain posted during the period for which any use restrictions are in effect.

(4) The permittee is responsible for providing the authorized agent and/or herbicide treatment applicator a copy of the approved EPC Permit and conditions. The authorized agent and/or herbicide treatment applicator must be in possession of the EPC Permit at all times during performance of the work. The authorized agent and/or the applicator will also be subject to enforcement if unauthorized/ non-targeted vegetation or other natural resources are impacted due to improper application of the herbicide treatment.

(5) If the EPC finds that immediate, serious danger to the public health, safety, welfare, or the environment requires emergency action, it is authorized to suspend, restrict, or limit the scope of the permitted activity by emergency order.



## **5.2.6 Removal of Floating Tussocks**

Tussocks are defined as floating mats of vegetation (herbaceous and non-herbaceous) that float freely in a waterbody and are not rooted in the substrate of the waterbody. Removal of floating tussocks composed of predominantly native vegetation may be permitted subject to the criteria below. Submittal of an MAIW application listing the plant species composing the floating tussock, the removal method, and how the vegetation material will be disposed of is required.

(1) The applicant must be an owner of some portion of submerged lands within the waterbody or own property immediately adjacent to the waterbody. Persons authorized to represent multiple property owners, such as, but not limited to, governmental agencies and officers of homeowners associations, may submit an application on behalf of the property owners.

(2) Tussocks may be removed pursuant to this rule if the removal is of nominal consequence to the affected wetlands/ other surface water and the applicant demonstrates the tussock limits the public's access to or use of the surface water, hinders flood control, or impairs waterfront property owners' open water access.

(3) If the treatment method is herbicide control, any herbicides proposed for treatment shall be approved for use in aquatic systems by the Environmental Protection Agency (EPA) and must be applied in accordance with the label directions. The herbicide selected must be of the kind that adheres to the targeted vegetation.

(4) A tussock may be permitted for removal where there is no evidence of or observed active bird nesting of Florida listed species of special concern, threatened species, or endangered species.

(5) Disposal of removed vegetation must be placed within an acceptable upland area with the property owner's authorization and situated so as to prevent the return of these materials back into the wetland or other surface waters;

(6) Heavy machinery is prohibited in wetlands for the removal of floating tussocks.

## **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 shall be required in each application. Fences, docks, boat ramps, rip-rap, and boardwalks located along floodways may require a Federal Emergency Management Agency "No-Rise Study." Pursuant to Section 1-11.07, Rules of the EPC, any activity in Tampa Port Authority d/b/a Port Tampa Bay (Port Tampa Bay) jurisdictional waters shall not require a separate MAIW authorization if 1) a permit is issued by Port Tampa Bay (with an associated EPC environmental review) incorporating all comments provided by EPC as specific or general conditions or 2) a permit is issued by the EPC pursuant to any Interlocal Agreement with Port Tampa Bay.

### **5.3.1 Boat Ramps**

Boat ramps shall be limited to a single lane and must not exceed a boat ramp hardened surface width of 12 feet. The boat ramp hardened surface shall also be minimized to the greatest extent practicable. The portion of boat ramp located immediately above the mean

or ordinary high water line (“above water portion”) and within the wetland limits shall be hardened with pervious or impervious material or otherwise stabilized to prevent turbidity. The hardened material used for the above water portion and below the mean or ordinary high water line must not include petroleum-based materials, such as asphalt, or materials which create leachate when in contact with water. The proposed boat ramp location shall have adequate water depth to avoid scouring, prop dredging, and other causes of turbidity and substrate damage. A minimum of two feet of water depth must exist at the toe of the boat ramp during Mean Low, Ordinary Low, or Low Guidance Level elevation water conditions, whichever is appropriate, as determined based on the best available information for the water body at the project location. The boat ramp surface below the mean or ordinary high water line shall not exceed 30 feet in length. The total hardened surface area above and below the mean or ordinary high water line shall not exceed 500 square feet within the wetland limits. Excavation and/or dredging shall be limited to that amount of material necessary to construct the ramp and avoid prop dredging at the toe of the ramp. The ramp must be situated on the property to avoid impacts to trees and to minimize 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 open water access area allowed per property.

### **5.3.2 Fences**

Fences constructed in wetlands/other surface waters require a permit, unless they meet a State pre-emption (~~under~~ e.g. Section 604.50, F.S.). Impacts from fence installations shall be minimized to the greatest extent practicable. ~~Several types of fence, including~~ Fencing types appropriate for construction within wetlands and other surface waters are limited to hog wire, slatted fencing with a minimum spacing of 3.5 inches between slats, split rail, and 3-5 strand horizontal wire fence. ~~with~~ All fencing shall have the bottom elevated off the substrate at to the ordinary high-water line. ~~may be considered appropriate for construction within wetlands and other surface waters.~~ Fencing material composed of horizontal metal wire attached to posts, which may include occasional perpendicular wires to maintain spacing. Horizontal wire fencing may be placed in the space between the substrate and ordinary high-water line, so long as the bottom is elevated off the substrate a minimum of four inches. 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 wetland/other surface water substrate at least three and a half feet. Within the first 20 feet waterward of the wetland line, the boardwalk may be sloped to meet the requirement that the boardwalk ultimately be elevated at least three and a half feet above the substrate. All attempts shall be made to route the boardwalk to avoid impacts to existing native tree species. 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. Handrails may overhang the boardwalk width by no more than one foot on each side. No excavation is permitted within the wetland or surface water except for the

placement of the support posts/pilings. 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:

(1) A dock review shall require an assessment of existing wetland and aquatic vegetation at the proposed site. This review may also include an assessment of the benthic community at the proposed site where existing natural resources warrant such assessment.

(2) A structure shall be located to avoid impacts to native trees to the greatest extent practicable. A structure shall also be located to minimize other native vegetation disturbance or removal in accordance with Section 5.2.2 to the greatest extent practicable.

(3) A proposed dock shall be constructed in a manner which allows waterfront property owners open water access.

(4) All proposed vessel mooring slips or areas, including boatlifts 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. If the required depth is not present and alternative configurations and dredging cannot be accommodated, the applicant shall provide documentation which demonstrates the proposed mooring area shall have adequate water depth to avoid scouring, prop dredging, and other causes of turbidity and substrate damage.

(5) The bottom stringers of the proposed dock structure shall be constructed a minimum of one foot above Mean High or Ordinary High Water.

(6) The structure's terminal platform must be located waterward of or beyond the vegetative littoral fringe.

(a) Terminal platform is defined in this rule as the part of the structure that is connected to and located at the terminus of the access walkway and is for loading and unloading of vessels or used to conduct water dependent activities. ~~Water dependent activity is defined in this rule as an activity which can only be conducted on, in, over, or adjacent to, water areas because the activity requires direct access to the water body for transportation, recreation, energy production or transmission, or source of water and where the use of the surface waters is an integral part of the activity.~~

(b) The bends in an access walkway to avoid resources or as needed based on the site-specific conditions are excluded from the terminal platform requirements unless the portion of walkway is utilized for the mooring of a vessel or other water dependent activities as described above.

(c) The terminal platform shall be minimized to the greatest extent practicable, and shall be located, designed, and/or constructed so that it causes the least environmentally adverse impact.

(7) No part of the structure shall be enclosed by walls or doors. No fish cleaning facilities, boat repair facilities or equipment, or fueling facilities shall be authorized on any structure under this rule.

(8) 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.

(9) No more than one structure may be authorized per single-family residence on one parcel of land. The term “structure” as used within Section 5.3.4.(9), includes docks, floating docks, piers, wharfs, marginal docks, observational platforms, and walkways. The following configurations are deemed one structure and must meet all rule criteria collectively: two unconnected access walkways utilized for a single vessel slip area; and a floating dock permanently attached to a piling supported dock. Two structures may be authorized if one of the following exceptions are met:

(a) the parcel of land is adjoining two or more discrete waterbodies where each structure is proposed;

(b) two or more existing structures are located on separate parcels which have been combined into one parcel whereas the square footage and footprint of such individual structures is not increased or modified;

(c) a second structure may be located on shorelines greater than 195 linear feet where the structures are at least 65 feet apart, where impacts to resources are minimized, and the total areas of all structures shall be less than 1,000 square feet. No more than two mooring areas total; or

(d) a second structure in Port Tampa Bay jurisdictional waters shall be of nominal consequence to the affected waterbody, located where no resources are impacted present, and shall be less than 500 square feet. The second structure shall meet all applicable criteria of the Port Tampa Bay Submerged Lands Management Rules.

(10) Any structure must be located within the applicant’s area of submerged land ownership (e.g. within their property boundaries), ~~or within the riparian limits~~ for sovereignty land, ~~their riparian limits~~, or as case law allows. However, an applicant may construct a dock on property they do not own provided they obtain written authorization from the property owner or where public records do not identify any private owner of submerged lands.

(11) Any non-conforming structure may be replaced provided the footprint of the structure is not modified and the structure is still functional and substantially intact.

(12) Water dependent activity is defined in this rule as an activity which can only be conducted on, in, over, or adjacent to, water areas because the activity requires direct access to the water body for transportation, recreation, energy production or transmission, or source of water and where the use of the surface waters is an integral part of the activity.

#### **5.3.4.1 Observation Platforms**

Observation platforms shall meet all conditions in Sections 5.3.3 and 5.3.4, except as specified herein.

(1) Observation platforms shall not be used for the mooring of a vessel.

(2) Observation platforms shall have railings along the entire perimeter of the structure, ~~S~~ shall be elevated above the surface water substrate at least five feet, and all attempts shall be made to route the boardwalk and platform to avoid impacts to existing native trees.

(3) Single-family residences shall be limited to one observational platform of no greater than 500 square feet of total area.

(4) Observation platforms for non-single-family residences shall have a cumulative area of no greater than 500 square feet of total area. This total area does not include the width of the boardwalk section. Multiple observation platforms may be

proposed for non-single-family residences where each observation platform is proposed on two or more discrete waterbodies on the same parcel of land.

#### 5.3.4.2 Marginal Structures

A marginal structure is defined as a structure that runs parallel along the waterbody shoreline or seawall ~~more than 6 feet with no deviation from the structure and maintains a uniform width along the entire waterward length.~~ Marginal structures shall meet all conditions in Section 5.3.4, as applicable, in addition to the following:

~~(1) If vegetation is present along the shoreline or there is evidence in the immediate area that adequate depths exist that would allow for vegetation recruitment, the marginal structure shall be located within the allowed swim and open water access clearing zone. If the structure cannot be located in this area, the widths of any structure must be subtracted from the 25-foot swim and open water access area.~~

~~(12) A marginal structure shall not exceed 10 feet waterward from the seawall or shoreline under this section. If a proposed structure is greater than 10 feet waterward from the seawall or shoreline it is considered a walkway and shall meet the boardwalk width criteria in Section 5.3.3 above.~~

~~(23) If there is no existing 25-foot swim and open water access area, the marginal structure shall be located in the least vegetated area along the shoreline. This location along the shoreline shall be the designated swim and open water access area. If there is an existing 25-foot swim and open water access area, in accordance with Section 5.2.2, it is encouraged to co-locate facilities within the swim access area. If a proposed marginal structure cannot be located within the existing 25-foot swim and open water access area, an area equivalent to the width of the proposed marginal structure, within the existing swim and open water access area, shall be allowed to naturally revegetate.~~

~~(34) In Port Tampa Bay jurisdictional waters and any other artificially created residential canals where there is no vegetation and/or benthic resources present due to water depths, the 25-foot swim and open water access area limitation is not applicable. A marginal structure located within Port Tampa Bay jurisdictional waters or any other artificially created residential canals where there is no vegetation and/or no significant benthic resources present within the project area due to water depths, is not subject to the limitation conditions regarding length out and location within the swim and open water access as described in 5.3.4.2 (1) and (2).~~

~~(45) The marginal structure shall be minimized to the greatest extent practicable, and the marginal structure shall be located, designed, and/or constructed so that it causes the least environmentally adverse impact.~~

~~(56) Marginal structures and associated facilities shall not be located within a riparian mangrove fringe.~~

#### 5.3.5 Shoreline stabilization

The EPC encourages property owners to plant native vegetation or use other environmentally beneficial methods to prevent shoreline erosion. All applications for shoreline stabilization measures prohibit the filling of wetlands and other surface waters to obtain usable uplands. During construction, all shoreline stabilization activities shall utilize erosion/turbidity control best management practices. Multiple shoreline stabilization activities are allowed on one property.

(1) Native Based Solutions

(a) Native Shoreline. Proposals to re-grade and re-plant areas of minor erosion may be reviewed under this section. An application to stabilize an eroding shoreline with native vegetation must meet the following conditions:

(ai) Only native, non-nuisance, vegetation may be planted. All vegetation must be identified by species and elevation in the project drawings.

(bij) At a minimum, plants shall be spaced on two (2) foot centers.

(eiii) The applicant is responsible for removing non-native, nuisance vegetation from the native shoreline area.

(div) Re-grading shall be limited to the amount necessary to correct the erosion and provide an adequate slope for plant recruitment and vegetation.

(ev) Biodegradable natural fibers logs or mats, that are secured in place, such as with the use of wooden stakes, may be used if necessary to support the vegetative plantings.

(b) Native Shoreline with Minimum Shoreline Hardening shall meet all conditions in Section 5.3.5(1)(a), as applicable, in addition to the following:

(i) Clean fill placed within the planting zone shall be limited to the minimum extent necessary to support the vegetative plantings and the slope shall be no steeper than two horizontal to one vertical.

(ii) A breakwater may be installed concurrent with the planting if permanent wave attenuation is required to maintain the shoreline vegetation, provided:

a. For the purposes of this section, a breakwater is defined as a barrier built into a body of water to protect the shoreline and littoral zone from the force of waves;

b. The landward toe of the breakwater is within no less than 3 feet of depth of water at the Mean or Ordinary High Water elevation, and located as close to the planting area as necessary to provide protection for the plantings;

c. The breakwater top height shall be at least six inches more than the Mean or Ordinary High Water elevation and shall be visibly marked;

d. The breakwater is composed predominantly of natural oyster shell cultch (clean and fossilized oyster shell) or other stable, non-degradable materials such as oyster reef, reef balls, boulders, clean concrete rubble, rip rap, rock sills, or triangular concrete forms, as appropriate for the project location. Oyster shell cultch, if used, shall be enclosed in mesh bags having openings of no more than three inches, or securely fixed to matting prior to placement in the water. Oyster bags and mats must be anchored to prevent movement of shell from the project area;

e. If the breakwater consist of natural boulders or clean concrete rubble it shall be a minimum of one foot in diameter, and contain no reinforcing rods or other similar protrusions;

f. The breakwater shall not be placed over, or within three feet (in any direction) of any existing submerged or emergent native vegetation; and

g. The breakwater shall be placed in units so that there is at least one opening measuring at least five feet in width located every 75 linear feet along the breakwater, with a minimum of one opening, to allow the

flow of water and the passage of fish and aquatic wildlife.

(iii) Soil confinement technology that allows for vegetation growth (e.g. geofabric or geoweb) or similar material used for the stabilization of the slope and facilitates the planting of native plants within the littoral shelf shall meet the following design specifications:

a. Any soil confinement technology shall not extend more than two feet from the waterward most plantings or the minimum extent necessary to facilitate the planting of vegetation;

b. Any soil confinement technology shall extend to or landward of the Mean or Ordinary High Water line;

c. Any soil confinement technology shall not include petroleum-based materials, such as asphalt, or materials which create leachate when in contact with water; and

d. The soil confinement technology shall not be placed on a slope steeper than two horizontal to one vertical along the shoreline.

(c) An application fee reduction of 50% applies to Native Based Solutions, see Ch 1-6, Rules of the EPC. This fee reduction is solely for Native Based Solutions and if this activity is paired with another activity, the higher fee shall apply.

(2) Rip Rap Installation. The use of rip rap revetment may be permitted pursuant to this section for those natural areas that have demonstrated significant, ongoing shoreline erosion where natural shoreline stabilization is not feasible or with already hardened shorelines. An application to install rip rap revetment must meet the following conditions:

(a) Filter fabric shall be installed prior to the placement of rip rap materials along natural shorelines.

(b) The rip rap shall consist only of natural boulders or clean concrete rubble one to three feet in diameter on average, and there are no reinforcing rods or other similar protrusions in the concrete rubble.

(c) The slope of the rip rap shall be no steeper than two horizontal to one vertical from the surface water or face of the hardened shoreline.

(d) Rip rap shall extend waterward no further than necessary for shoreline stabilization or ecological benefit.

(3) Seawalls.

(a) An application for the construction of new seawalls under this section requires a demonstration of shoreline erosion that cannot be corrected by means of native vegetation or the use of rip rap, or is required to maintain the integrity of an upland structure(s). A new seawall shall be limited to residential man-made canal systems where existing functioning seawalls exist on both immediately adjacent properties. Any associated filling of wetlands or other surface waters shall be of nominal consequence and the new wall shall follow the contour of the existing shoreline while avoiding native trees.

(b) Proposals for the repair or replacement of seawalls or similar structures within jurisdictional limits, which do not meet the exemption criteria contained in Section 5.4(B)(17), will be reviewed in accordance with the following criteria:

(i) the face of the replacement 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;

(ii) backfilling or regrading shall be limited to only the minimum

amount necessary to level the land immediately behind the replacement seawall;

(iii) the substrate disturbance shall be limited to the minimum necessary for the installation of the replacement seawall; and

(iv) the removal of vegetation shall be of nominal consequence to the wetlands and other surface waters.

#### 5.4 Exempt Activities

A. The activities meeting the limitations and restrictions below are exempt from EPC Wetlands permitting. However, if located in, on, or over Port Tampa Bay jurisdictional submerged lands, they may be subject to a separate authorization under the chapter 95-488, Laws of Florida and pursuant to any existing Interlocal Agreement, as applicable. ~~The exemptions listed below shall not be cumulatively applied to a single structure and~~ These exemptions do not imply exemption from obtaining all proper permits from other governmental agencies.

B. Activities exempt from permitting:

(1) Re-decking of any existing structure.

(2) Installation of two sister pilings on any existing structures.

(3) Replacement of a previously permitted dock, boardwalk, marginal structure, observation platform in the same configuration including the re-decking, replacement of pilings, hardware, and the new installation of new permissible activity within the existing permitted footprint (e.g., new roof over existing decking). If the total area of the structure exceeds 1000 square feet, this exemption does not apply.

(4) Re-nourishment of previously permitted rip rap provided that it does not extend beyond its previously permitted dimensions.

(5) Installation or replacement of boatlift within an existing slip. The boatlift location must have adequate depth as noted in 5.3.4(4).

(6) Native plantings along natural shoreline areas that does not involve vegetation removal or re-grading of shoreline.

(a) Plantings are Florida native wetland plants appropriate for the site obtained from commercially-grown stock; and

(b) Biodegradable natural fiber logs or mats that are secured in place, e.g. with the wooden stakes, may be used if necessary to support the vegetative plantings.

(7) Maintenance activities of unpermitted “grandfathered” structures, provided the structure is still functional and substantially intact. Grandfathered structure are those structures constructed on or before May 14, 1985.

(8) Removal of docks, boardwalks, observation platforms, and marginal structures. Removal of a structure may affect grandfathering status.

(9) The repair of existing public concrete bridge pilings through the construction of pile jackets provided the work is conducted in accordance with the piling exemption in Section 62-330.051, F.A.C.

(10) Removal of derelict vessels as defined in section 823.11(1), F.S., by federal, State, and local agencies, provided:

(a) The derelict vessel case has been completed as specified in section 705.103, F.S., and has been entered into the Statewide Derelict Vessel Database



maintained by the Florida Fish and Wildlife Conservation Commission;

(b) All work is done in a manner that, to the greatest extent practicable, avoids additional dredging or filling, grounding or dragging of vessels, and damage to submerged resources such as seagrass beds, oyster beds, coral communities, mangroves, other wetlands, and live bottom; and

(c) An absorbent blanket or boom shall be immediately deployed on the surface of the water around the derelict vessel if fuel, oil, or other free-floating pollutants are observed during the work.

(11) Construction, alteration, maintenance, operation, and removal of freshwater fish attractors by the Florida Fish and Wildlife Conservation Commission, U.S. Forest Service, and county and municipal governments, provided:

(a) The material is limited to clean concrete, rock, brush, logs, or trees;

(b) The material is firmly anchored to the bottom of the waterbody;

(c) The size of an individual fish attractor shall be limited to one quarter of an acre in area;

(d) The top of the fish attractor shall be at least three feet below the water surface at expected average low water depth, as determined based on best available information for the waterbody at the specific location of the attractor;

(e) The attractor shall be outside any posted navigational channels and shall not cause a navigational hazard;

(f) No material is placed on or in areas vegetated by native aquatic vegetation; and

(g) The provisions of paragraph 62-330.050(9)(c), F.A.C., also shall apply to protect listed species during the work.

(12) The installation of aids to navigation, including bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids if marked and authorized by the Florida Fish and Wildlife Conservation Commission in accordance with section 327.40, F.S.

(13) Repair and replacement of pipes or culverts provided:

(a) The pipes or culverts do not exceed the original footprint of the existing pipe or culvert;

(b) The invert elevation shall not be changed;

(c) The pipes or culverts function to discharge or convey stormwater, and are not associated with the repair, replacement, or alteration of a dam, spillway, or appurtenant works; and

(d) This exemption does not imply exemption from obtaining all proper permits from other governmental agencies.

(14) Collection of seagrass, macroalgae, and macrobenthos in accordance with the terms and conditions of a permit or license issued by the Florida Fish and Wildlife Conservation Commission.

(15) Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices, provided:

(a) the device's purpose is solely to collect scientific or technical data, such as staff gages, tide and current gages, meteorological stations, water recording, biological observation and sampling, and water quality testing and improvement. Parshall flumes and other small weirs installed primarily to record water quantity and velocity are authorized, provided the amount of fill is limited to 25 cubic yards;

(b) the device and any associated structures or fill, such as foundations, anchors, buoys, and lines, is removed to the maximum extent practicable at the end of the data collection or sampling;

(c) the site is restored to pre-construction conditions within 48 hours of completion of use of the device; and

(d) all work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(16) Geotechnical, geophysical, and cultural resource data surveying, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities as provided in section 403.813(1)(v), F.S.

(17) The repair or replacement of functional seawalls or similar structures within jurisdictional limits will be reviewed in accordance with the following criteria:

(a) the face of the replacement wall shall be located no greater than 18 inches waterward from the face of the previous wall;

(b) where no removal of non-nuisance trees or no additional filling or dredging of wetlands or other surface waters is necessary for the construction of the wall; and

(c) where wetlands have not developed immediately landward of the seawall or similar structure.

(18) Seawall cap replacement provided the following conditions are met:

(a) limited to flush standard seawall caps with a 6"-8" overhang;

(b) not applicable to cantilever or encapsulating seawall caps; and

(c) not intended for expanded walkway seawall caps.

(19) Installation and repair of water intake lawn irrigation waterlines and closed-loop air conditioning cooling lines laid on the bottoms of waters for an individual private single-family or multi-family residence, provided that the intake diameter is less than six inches, or its hydraulic equivalent.

(20) Maintenance dredging conducted by Port Tampa Bay, provided the work is conducted in accordance with the maintenance dredging exemption in Section 62-330.051, F.A.C.

(21) Removal of floating tussocks in accordance with the following criteria:

(a) composed of predominantly (over 50%) non-native vegetation;

(b) where there is no evidence of or observed active bird nesting of Florida listed species of special concern, threatened species, or endangered species;

(c) disposal of removed vegetation is placed within an acceptable upland area with the property owner's authorization and situated to prevent the return of these materials back into the wetland or other surface waters;

(d) heavy machinery is prohibited in wetlands for the removal of floating tussocks;

(e) floating tussocks composed of predominantly native vegetation are not exempt and require authorization, including but not limited to a Miscellaneous Activities in Wetlands authorization;

(f) if the method of treatment is herbicide control, any herbicides proposed for treatment shall be approved for use in aquatic systems by the Environmental Protection Agency (EPA) and must be applied in accordance with the label directions. The herbicide selected must be of the kind that adheres to the targeted vegetation; and

(g) tussocks are defined as floating mats of vegetation that float freely in a

waterbody and are not rooted in the substrate of the waterbody.

C. Conditions applicable to all exemptions:

(1) Structures are not used for storage of materials other than those associated with water dependent recreational use.

(2) All work is done in a manner that avoids scouring, dredging or filling, grounding or dragging of vessels and damage to resources.

(3) No dredging, filling, clearing or scouring shall be allowed except for the installation of pilings.

(4) Construction materials, debris, or other trash will not be allowed to escape into the water, at any time during or after construction. Such materials are to be disposed of in an approved manner, i.e., upland disposal facility, appropriate trash receptacles, etc.

(5) This exemption does not convey to the party or create any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the party, or convey any rights or privileges other than those specified in this exempt activity and Chapter 1-11 or other applicable rules.

(6) These activities shall include best management practices for erosion, turbidity and other pollution control to prevent violations of State or EPC water quality standards.

(7) These activities do not apply to wetlands or other surface waters that serve as significant habitat, such as roosting, nesting or denning areas, for State listed threatened or endangered species.

(8) These activities shall not cause offsite adverse impacts, including flooding, or otherwise affect the local hydrology so as to adversely affect other wetlands.

(9) These exemptions do not provide EPC approval for any other EPC permitting program. In addition, exempt activities pursuant to this rule does not imply exemption from obtaining all proper permits from other governmental agencies.

**Chapter V History:**

**Adopted and effective: July 17, 2008 pursuant to Section 1-11.06, Rules of the EPC**

**Amendment adopted: May 20, 2021**

**Amendment effective: May 25, 2021**

**Amendment adopted: May xx, 2022**

**Amendment effective: May xx, 2022**

**RULES OF THE  
ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-6  
SERVICES-FEE SCHEDULE**

***Section 1-6.05 Revisions  
DRAFT 4-6-22***

**1-6.05 WETLANDS MANAGEMENT**

**A. Land excavation permits New and expansion	\$1150	**6. Land Alteration	\$500
**B. Rezoning application	\$350	**7. Amendments to Mining/Reclamation (a) Changes within the mining unit	\$1000
**C. Subdivision applications		(b) Addition of adjacent storage	***
1. Preliminary	\$460	**F. Development of regional impact	\$1200
2. Construction	\$710	**G. Commercial site development application	
3. Final plat/Platted subdivision	\$260	1. Preliminary	\$460
4. Minor subdivision plans/Certified Parcels	\$320	2. Construction	\$710
5. As-built verification	\$400	3. Final Plat	\$260
D. Tampa Port Authority (TPA)		4. Minor construction	\$310
1. Delegated Minor Work Permit (multi-agency review excluding Section 1-6.05M)	\$650-	5. As-built verification	\$400
2. Delegated Minor Work Permit Revision (prior to construction)	\$100	**H. Natural Resources	
3. Delegated Minor Work Permit Modification (after construction has commenced)	\$360	1. Setback encroachment	\$260
4. TPA Permit EPC Environmental Review (fee collected by TPA)		2. Land alteration	\$590
(a) Minor Work Permit	\$150	I. Miscellaneous activities in wetlands (MAIW)	
(b) Standard Work Permit	\$300	1. Nuisance vegetation species removal	No fee
E. Phosphate mining		2. Dock, boardwalks, riprap, swim access, etc. (3 year permit)	\$380
1. Mitigation Plan Modifications	\$730	3. <del>Whole Lake Treatments</del> <u>Aquatic Plant Control (lakeswaterbodies less than 10 acres) 3 year permit</u>	\$490
**2. Annual report review Inspection	\$375	4. <del>Whole Lake Treatments</del> <u>Aquatic Plant Control (lakeswaterbodies greater than 10 acres) 3 year permit</u>	\$50
**3. Unit review and reclamation	\$3500	5. Hazard Native Tree Removal (up to 3 trees)	
**4. Mitigation Review Inspections (per annual report review, per year, including monitoring report reviews)	\$310	<u>6. Native Based Solutions (reviewed under s. 1-6.05.D.1. or s. 1-6.05.I.2.)</u>	<u>50% of fee</u>
**5. Administrative Review	\$100	J. Wetland delineation Project Area Size	
		1. Less than 1 acre	\$200
		2. 1 acre to 3 acres	\$270
		3. 3 acres to 10 acres	\$460
		4. 10 acres to 40 acres	\$810
		5. 40 acres to 100 acres	\$1420
		6. Over 100 acres	\$1420 + \$280 per additional 100 acres
		7. Recertification (up to 1 year after expiration)	50% of Initial Fee

K. Wetland Impact Mitigation	
1. Total Proposed Impact Size Review	
(a) Less than 0.5 acres	\$720
(b) 0.5 acres to 1 acre	\$1270
(c) 1 acre to 5 acres	\$2100
(d) 5 acres to 10 acres	\$2810
(e) Exceeds Threshold (10+ acre)	\$3650
(f) Mitigation Compliance	
(i) Permittee Responsible Mitigation Monitoring Fee	\$2000
(ii) Mitigation Bank Credit	\$250
(iii) Authorization Extensions	\$250
(g) Permit Modification	
(i) Mitigation Bank Credit Withdrawal	\$100
(ii) Changes in configuration/location/elevation	\$730
L. Mangrove Trimming and Alteration	
1. Trimming permit per Ch. 1-14.06	\$400
2. Compliance/monitoring fee for staged trimming for each trim event	\$220
3. Other Trimming and Alteration permit Single family	
(i) Review	\$690
(ii) Up to 11 monitoring reports	\$2050
4. Other Trimming and Alteration permit Commercial /subdivision	
(i) Review	\$2500
(ii) Up to 11 monitoring reports	\$2720
5. Professional Mangrove Trimmer fee per Ch. 1-14.08	
(i) First time registration fee	\$50
(ii) Annual renewal fee	\$25
M. FDEP Delegated Environmental Resource Permits	\$100
N. Written Verification for the following Exemptions (not included in other authorizations)	\$100
1. Noticed Exemptions	
2. Mangrove Trimming Exemptions	
3. FDEP Delegated Exemptions	

reviews there is no charge for the first resubmittal, and each subsequent resubmittal will be 50% of the initial review fee. **[Publisher's Note:** EPC charges for development and rezoning applications may be submitted to appropriate governmental entities where the review process has been coordinated with EPC]

\*\*\*Minimum \$500 or Straight Line Pro-Rata Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mining unit divided by 2500, multiplied by the fee required by Rule 1-6.05E.3.

**Rule History:**

Adopted 2/13/75; Amended 2/10/76; Amended 2/9/78; Amended 11/9/78; Amended 10/18/82; Amended 12/14/82; Adopted 2/28/85, Effective 03/15/85; Amended 02/28/86; Amended 12/11/86; Amended 01/13/88; Amended 02/28/90, Effective 04/01/90; Amended 07/10/90; Amended 08/22/90, Effective 10/01/90; Amended 05/22/91; Amended 09/25/91; Amended 11/05/91; Amended 3/24/93; Amended 5/26/93; Amended 1/25/95; Amended 8/21/97; Amended 9/17/98; Amended 6/12/03, Effective 10/01/03; Amended 2/16/06, Effective 2/24/06; Amended referenced section 10/15/09, Effective 11/2/09; Amended referenced section 3/22/12, Effective 3/22/12; Amended All Sections 3/22/18, Effective 7/1/18; Amended section 1-6.05 XX/XX/XX, Effective XX/XX/XX

\*\*Denotes EPC Fees collected by the Hillsborough County Development Services Department for EPC. For Subdivision/Commercial Preliminary & Construction Plan



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 9.a.

**Date of EPC Meeting:** May 19, 2022

**Subject:** Overview of EPC's Noise Program

**Agenda Section:** Regular Agenda

**Division:** Air Division

**Recommendation:** Informational Report

**Brief Summary:** EPC operates a noise program to regulate noise pollution originating from certain stationary sources in accordance with Chapter 1-10, Rules of the EPC. Today's presentation will provide an overview of the noise program including the limits specified in the rule, regulated and exempt sources, and process for dealing with recorded violations.

**Financial Impact:** No Financial Impact

**List of Attachments:** None

**Background:** Originally adopted in 1976, Chapter 1-10 of the Rules of the EPC establishes noise standards to regulate and reduce noise pollution from qualifying stationary sources which may affect other receiving properties. The noise standards are based on a 10-minute equivalent average, and applicability varies based on time of day. While compliance is determined based on the receiving land's use, the rule also identifies several sources which are exempt from the requirements of Chapter 1-10, including mobile sources.

Noise complaints are typically the most common type of complaint received by EPC, with over 300 received and investigated last year. EPC operates a noise program within the Air Division to enforce the rule, and utilizes sophisticated meters to monitor for potential violations of the standards, often during late-night or early morning hours. EPC will work with businesses to try and attain voluntary compliance with the standards; however, in those instances that violations persist, EPC will pursue formal administrative enforcement that normally includes required corrective actions and a settlement payment. While EPC's noise rule is applicable throughout the County and municipalities, local noise ordinances are also enforceable by those jurisdiction's law enforcement departments.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 9.b.

**Date of EPC Meeting:** May 19, 2022

**Subject:** 2022 Clean Air Fair

**Agenda Section:** Regular Agenda

**Division:** Air Division

**Recommendation:** Informational Report

**Brief Summary:** EPC is once again pleased to celebrate the month of May as Clean Air Month. Nationally, May has been designated as a time to emphasize the importance of clean air to the vitality and the good health of our communities. As part of this celebration, staff hosted some fifty exhibitors on Poe Plaza at lunch time on May 5<sup>th</sup> to help spread the message. The theme this year was “Celebrate Clean Air.”

**Financial Impact:** No Financial Impact

**List of Attachment:** None

**Background:** On Thursday, May 5<sup>th</sup>, after a 2-year hiatus, EPC sponsored the Clean Air Fair at the Tampa City Center (TCC) esplanade in downtown Tampa. The month of May is nationally recognized as Clean Air Month and due to the impact of the Covid pandemic, the event has not been held since 2019. The Fair was attended by hundreds of guests who visited the over 50 exhibitor tables. The annual photography contest for high school students was once again a highlight of the Fair and the students tailored their submittals around this year’s theme, “Celebrate Clean Air”. Through the generosity of our many sponsors like Tampa City Center, the Downtown Hilton, and Publix’ Greenwise, we were able to educate the public and at the same time feed and entertain them. The Fair was also attended by several elected officials, which added to the event’s success.