

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

August 18, 2022

Location

2nd Floor BOCC Chambers at County Center
& via virtual 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 PROCLAMATION

- Recognition and farewell to Margaret Hager-Shrieves (Wetlands Division)

6. PUBLIC COMMENT - *Each speaker is allowed 3 minutes unless the Commission directs differently. If you wish to provide public comment, please see guidance below or on our website.*

7. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

a. Approval of EPC Meeting Minutes for March 24 and May 19, 2022	2
b. Monthly Activity Report FY2022 (May, June and July).....	9
c. Pollution Recovery Fund (PRF) Budget FY2022.....	12
d. Legal Case Notification	14
e. Pay Range Adjustment.....	16
f. Initiation of Rulemaking: Noise Pollution, Chapter 1-10, Rules of the EPC.....	18
g. Initiation of Rulemaking: Administrative Procedures, Chapter 1-2, Rules of the EPC	19
h. Select Performance Measure Goals for 2022	20

8. PUBLIC HEARING (None)

9. REGULAR AGENDA

a. Request for Pollution Recovery Funds to Sample and Assess Petroleum Contamination	22
b. Air Quality Concerns Regarding I-275 Expansion	24
c. Air Curtain Incinerator Application	25
d. Ozone Presentation	26
e. 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.

Anyone who wishes to speak virtually or in-person (limited capacity) during the meeting may do so by completing the online Public Comment Form found at: www.epchc.org/pubcomment. Visit the EPC webpage for more details on [agendas and public comment](#). The form is open for public sign-up 48 hours prior to the start of the meeting. You must submit the online public comment form at least 30 minutes prior to the start of the meeting for virtual attendance. On the form you will select whether comments will be provided virtually or in-person at the meeting. Additionally, in-person speakers will be able to sign up with the same form up to 48 hours prior to arrival or can sign up on-site via kiosk up until the start of the meeting. This meeting will also 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 18, 2022

Subject: Approval of the March 24, 2022, and the May 19, 2022, EPC meeting minutes.

Agenda Section: Consent Agenda

Division: Administration Division

Recommendation: Approve the March 24, 2022, and the May 19, 2022, EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meetings held on March 24, 2022, and May 19, 2022.

Financial Impact: No Financial Impact

List of Attachments: Draft copies of the March 24, 2022, and May 19, 2022, EPC meeting minutes.

Background: None

MARCH 24, 2022 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, March 24, 2022, 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 (arrived at 9:03 a.m.), Gwen Myers, Kimberly Overman, and Stacy White.

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

▶ Chair Smith called the meeting to order at 9:01 a.m. ▶ Commissioner White led in the pledge of allegiance to the flag and gave the invocation.

2. ROLL CALL

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

3. CHANGES TO THE AGENDA

▶ Ms. Janet Lorton, EPC Executive Director, announced Item 9.B., Presentation Regarding Ozone, would be continued to the April 2022 EPC meeting. ▶ **Commissioner White moved the changes, seconded by Commissioner Myers.** Upon roll call vote, ▶ **the motion carried seven to zero.**

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

5. RECOGNITIONS AND PROCLAMATIONS - ▶ **None.**

6. PUBLIC COMMENT - ▶ **None.**

7. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of EPC Meeting Minutes for the January 27, 2022, and February 17, 2022, Meetings
- b. Monthly Activity Report Fiscal Year (FY) 2022 (February)
- c. Pollution Recovery Fund Budget FY 2022
- d. Legal Case Notification

THURSDAY, MARCH 24, 2022

- e. Initiation of Rulemaking: Waste Management Rule, Chapter 1-7, Rules of the EPC

▶ **Commissioner Cohen moved the Consent Agenda, seconded by Commissioner Overman.** Upon roll call vote, ▶ **the motion carried seven to zero.**

8. PUBLIC HEARING - ▶ **None.**

9. REGULAR AGENDA

- a. FY 2023 Budget Presentation

▶ Ms. Lorton deferred to ▶ Ms. Elaine DeLeeuw, EPC, who provided the presentation. ▶ **Commissioner Overman moved approval, seconded by Commissioner Kemp.** Chair Smith engaged in dialogue regarding staff retention challenges. Commissioner Overman considered possible financial factors in hiring/maintaining staff. Upon roll call vote, ▶ **the motion carried seven to zero.**

- b. Presentation Regarding Ozone

▶ The item was continued to the April 2022 EPC meeting.

- c. Overview of Wetlands Division's Development Services Reviews

▶ Ms. Kimberly Tapley, EPC, expounded on a presentation. ▶ Commissioner Overman inquired on municipality process disconnects/findings that created additional developer costs and State corrections. ▶ Commissioner Cohen sought clarification on applicant review consequences/accountability. Responding to Chair Smith, Ms. Lorton discussed County flood insurance costs.

▶ Discussion ensued on insurance benefits/rates, State regulations, justified land uses, economic impacts, wetland functionality, and State involvement. ▶ Chair Smith elaborated on the land use application process and reasonable land uses/determination. ▶ Commissioner Kemp pondered wetland delineations and conservation easements/requirements. Talks occurred.

- d. Legislative Update

▶ Senior Attorney Andy Zodrow, EPC, supplied a presentation, ▶ responded to Chair Smith and Commissioner Kemp on the possible reintroduction of the failed seagrass mitigation bill, and summarized Florida House Bill 741.

THURSDAY, MARCH 24, 2022

e. Lead Advisory Update

▶ Subsequent to EPC General Counsel Rick Muratti referencing potential litigation, ▶ Mr. Reginald Sanford, EPC, gave a presentation. ▶ Dialogue ensued on community awareness and lead level detections.

f. Executive Director's Report

▶ Ms. Lorton delivered the report. Talks followed.

10. DISCUSSION OF FUTURE AGENDA ITEMS - ▶ None.

ADJOURN

▶ There being no further business, the meeting was adjourned at 10:51 a.m.

READ AND APPROVED: _____
CHAIR

ATTEST:
CINDY STUART, CLERK

By: _____
Deputy Clerk

jh

DRAFT

MAY 19, 2022 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, May 19, 2022, 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), Gwen Myers, Kimberly Overman (via telephone), and Stacy White.

The following member was absent: Commissioner Pat Kemp.

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 Lorton, EPC Executive Director, announced there were no changes to the agenda.

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

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"

► Ms. Lorton recognized Ms. Patel, who made remarks. Dialogue ensued.

- b. Recognition and farewell to retiring employees:

- 1) Sheila Luce, Waste Division

► Ms. Lorton deferred to ► Ms. Steffanie Wickham, EPC, and ► Mr. Hooshang Boostani, Retired EPC, who gave a presentation. ► Ms. Luce made appreciative comments. Talks occurred.

THURSDAY, MAY 19, 2022

2) Paula Noblitt, Water Division

▶ Ms. Lorton introduced the item. ▶ Mr. Sam Elrabi, EPC, recognized Ms. Noblitt, who provided comments. Discussion occurred.

3) Tom Ash, Water Division

▶ Ms. Lorton deferred to ▶ Commissioner White and ▶ Messrs. Edward Sherwood, Tampa Bay Estuary Program, and Elrabi, who presented an item. ▶ Mr. Ash made remarks. Dialogue ensued

6. PUBLIC COMMENT - ▶ **None.**

7. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Monthly Activity Report Fiscal Year (FY) 2022 (March and April)
- b. Pollution Recovery Fund (PRF) Budget FY 2022
- c. Amendment of PRF Agreement with Tampa Bay Watch Incorporated for the MacDill Living Shoreline
- d. Legal Case Notification
- e. Select Performance Measure Goals Quarterly Update

▶ **Commissioner Cohen moved the Consent Agenda, seconded by Commissioner Myers.** Upon roll call vote, ▶ **the motion carried six to zero.** (Commissioner Kemp was absent.)

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

▶ EPC General Counsel Ricardo Muratti deferred to ▶ Ms. Kimberly Tapley, EPC, who gave a presentation. Chair Smith called for public comment. ▶ Mr. Thomas Ries, Ecosphere Restoration Institute Incorporated, spoke on the item. Chair Smith added remarks. ▶ **Commissioner Myers moved for approval, seconded by Commissioner Cohen.** Following talks, Ms. Lorton requested Commissioner Cohen facilitate contact between Mr. Ries and Port Tampa Bay. Upon a roll call vote, ▶ **the motion carried six to zero.** (Commissioner Kemp was absent.)

THURSDAY, MAY 19, 2022

9. REGULAR AGENDA

a. Noise Program Overview

▶ Ms. Lorton deferred to ▶ Mr. Jeffrey Simms, EPC, who elaborated on a presentation. ▶ Following remarks from Chair Smith, Commissioner Cohen inquired on enforcing noise exemptions from mobile sources. Chair Smith considered regulations for noise/construction vibrations, which ▶ Mr. Reginald Sanford, EPC, addressed.

b. 2022 Clean Air Fair Recap

▶ Ms. Lorton introduced ▶ Ms. Diana Lee, EPC, who gave a presentation. Ms. Lorton added comments.

c. Executive Director's Report

▶ Ms. Lorton supplied the report.

10. DISCUSSION OF FUTURE AGENDA ITEMS - ▶ **None.**

ADJOURN

▶ There being no further business, the meeting was adjourned at 10:49 a.m.

READ AND APPROVED: _____
CHAIR

ATTEST:
CINDY STUART, CLERK

By: _____
Deputy Clerk

jh



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.b.

Date of EPC Meeting: August 18, 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 May, June and July 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>May</u>	<u>June</u>	<u>July</u>	FISCAL YEAR TO DATE
A.	Core Function: Citizen Support & Outreach				
1	Environmental Complaints Received (see attached Divisional breakdown)				see attached
2	Number of Presentations/Outreach Events	15	1	4	72
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	397	440	390	3688
B.	Core Function: Air & Water Monitoring				
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	93.1%	98.3%	97.7%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.8%	99.3%	100.0%	N/A
3	Number of Noise Monitoring Events	1	4	3	22
C.	Core Function: Environmental Permitting				
1	Permit/Authorization Applications Received	151	164	141	1556
2	Applications In-house >180 days	0	0	1	N/A
3	Permits/Authorizations Issued	192	142	155	1548
4	Petroleum Cleanup Cases	99	125	130	1023
D.	Core Function: Compliance Assurance				
1	Compliance Inspections	229	214	225	2801
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	104	142	97	1202
3	Compliance Assistance Letters Issued	197	75	195	1537
4	Warning Notices Issued	16	21	20	201
E.	Core Function: Enforcement				
1	New Cases Initiated	4	8	5	54
2	Active Cases	73	76	78	N/A
3	Tracking Cases	49	51	52	N/A



Citizen Support & Outreach

Environmental Complaints Received for FY2022

08/09/2022 03:08 PM

Environmental Complaints Received	May	Jun	Jul	FY2022
Agency Total	131	121	115	1290
Air Division	49	38	26	487
General	7	8	5	74
Noise	32	19	12	295
Open Burning	7	6	6	79
Pollution	3	5	3	39
Waste Division	9	10	7	100
General	1			4
Solid & Hazardous Waste	6	7	3	70
SQG	2	3	3	25
Water Pollution/Quality			1	1
Water Division	22	33	36	324
General	2	2	1	29
Unauthorized Discharge/Disposal	5	4	10	73
Wastewater	14	20	22	188
Water Pollution/Quality	1	7	3	34
Wetlands Division	51	40	46	379
Dredge & Fill	16	11	13	120
General	2	1	4	18
Mangrove Impacts	6	2	3	39
Solid & Hazardous Waste			1	3
Unauthorized Discharge/Disposal	1			2
Unauthorized Seawall/Dock	1	6	11	51
Water Pollution/Quality				4
Wetland Clearing	23	17	9	121
Wetland Flooding/Drainage	2	3	5	21



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.c.

Date of EPC Meeting: August 18, 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 7/31/2022**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 857,373	Artificial Reef	\$ 33,338	Minimum Balance	\$ 120,000	
Interest	\$ (13,832)	Open Projects	\$ 419,246	Est. FY 23 Budget	\$ 33,338	
Deposits	\$ 403,079			Asbestos Removal	\$ 5,000	
Total	\$ 1,246,619	Total	\$ 452,584	Total	\$ 158,338	\$ 635,697

PROJECT	Project Amount	Project Balance	
FY18 Projects			
Audubon Florida Invasive Removal	10131.102063.582990.5370.1293	\$ 50,000	\$ 9,404
		\$ 50,000	\$ 9,404
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
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	\$ 28,216
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	\$ 275,051
FY21 Projects			
DOH/EPC Radon Study	10131.102063.534990.5370.1359	\$ 21,000	\$ 21,000
DOH/EPC Radon Study	10131.102063.552001.5370.1359	\$ 14,000	\$ 9,401
			\$ 30,401



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.d.

Date of EPC Meeting: August 18, 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 chart below generically refers to these cases as “Administrative Appeal,” but it could also be an extension of time to file an appeal.

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:

EPC Case No.	Date Opened	Case Type	Case Style	Division
22-EPC-007	06-01-22	Administrative Appeal	Sligh 301 Land Trust II v. EPC	Wetlands
22-EPC-008	07-01-22	Administrative Appeal	Robert Demott v. Bradley Petchulis & EPC	Wetlands
22-EPC-009	08-08-22	Administrative Appeal	Carol Moore v. Geoffrey Chambers & EPC	Wetlands



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.e.

Date of EPC Meeting: August 18, 2022

Subject: Pay Range Adjustments

Agenda Section: Consent Agenda

Division: Administration Division

Recommendation: Adjust the maximum pay ranges by 7% for all EPC classified employee pay ranges.

Brief Summary: Based on reviews of market salaries and inflation and to retain highly skilled personnel, we are requesting a 7% adjustment to the maximum of all EPC classified employee pay ranges. No employees are receiving additional salary if this is approved, it will just allow them to have room for future pay increases.

Financial Impact: No Financial Impact

List of Attachments: None

Background: In July 2022, Hillsborough County administration adjusted their minimum and maximum pay ranges to accommodate for the 3% Cost of Living Adjustment (COLA) increase approved by the BOCC. Similarly, in July 2022, EPC minimum and maximum pay ranges were adjusted by 3% to parallel Hillsborough County’s COLA actions. Even with this COLA, many experienced staff are close to or at the maximum of their pay range. The Employment Cost Index Summary indicates wages and salaries have increased 4.6 percent for state and local government workers in public administration for the 12-month period ending in June 2022. As of October 13, 2021, the annual Cost of Living Adjustment was determined by the Social Security Administration at 5.9 percent. Based on these recent studies and inflationary pressures, we are requesting a 7% increase to the maximum rate of all EPC pay ranges to assist in retaining highly skilled personnel and limit staff salaries being “red-lined.” This would not adjust the minimum range, just the maximum range. Thus, employees are not receiving salary adjustments if this is approved, it will just allow employees to have room for future pay increases. A chart of pay ranges is included below.

Pay Grade	New Hourly Minimum w/ 3% COLA	New Hourly Maximum w/ 3% COLA	Hourly Maximum w/ 3% COLA & Proposed 7% increase
EPC.E	\$12.93	\$16.81	\$17.99
EPC.G	\$15.51	\$20.17	\$21.58
EPC.J	\$19.12	\$24.85	\$26.59
EPC.K	\$19.48	\$27.26	\$29.17
EPC.L	\$20.63	\$28.88	\$30.90

EPC.M	\$22.88	\$32.02	\$34.26
EPC.N	\$23.28	\$32.59	\$34.87
EPC.O	\$24.41	\$34.18	\$36.57
EPC.P	\$24.51	\$36.78	\$39.36
EPC.Q	\$27.33	\$40.99	\$43.86
EPC.R	\$28.38	\$42.57	\$45.55
EPC.S	\$29.43	\$44.14	\$47.22
EPC.T	\$32.24	\$48.36	\$51.74
EPC.U	\$33.70	\$53.93	\$57.71
EPC.X	\$43.65	\$69.83	\$74.72



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.f.

Date of EPC Meeting: August 18, 2022

Subject: Initiation of Revisions to the Noise Pollution Rule, Chapter 1-10, Rules of the EPC

Agenda Section: Consent Agenda

Division: Air Division

Recommendation: Informational Report Only

Brief Summary: EPC staff has begun a review of Chapter 1-10 (Noise), Rules of the EPC, and within the next few months expects to propose revisions for the Commission's consideration. The Noise Rule, which contains standards and criteria for various sound generating activities throughout Hillsborough County, was last revised in August of 2012.

Financial Impact: No Financial Impact

List of Attachments: None

Background: EPC staff is currently reviewing Chapter 1-10 (Noise), Rules of the EPC, for possible revision and will present recommendations for the Commission's consideration within the next few months. Leading up to a final recommendation, EPC staff will conduct internal meetings with operational and legal staff, consult with a noise expert and meet with stakeholder organizations such as the City of Tampa and Hillsborough County Code Enforcement before developing a recommended rule that will be based on science and practical applicability. Additionally, before requesting final approval, the draft will be presented at workshops and public comments will be taken into consideration.

The Commission last approved revisions to the Noise Rule in August of 2012.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.g.

Date of EPC Meeting: August 18, 2022

Subject: Initiation of Revisions to Chapter 1-2, Rules of the EPC – Administrative Procedures Rule

Agenda Section: Consent Agenda

Division: Legal Department

Recommendation: Informational Report

Brief Summary: EPC staff will propose to the Commission rule revisions to EPC's Administrative Procedures Rule (Chapter 1-2, Rules of the EPC). The intent is to give guidance on filing a complete permit application and clarify administrative hearing procedures. Prior to any public hearing before the Commission, the EPC will review a draft with interested persons.

Financial Impact: No Financial Impact

List of Attachments: None

Background:

Chapter 1-2, Rules of the EPC is the EPC's Administrative Procedures Rule. Among other things, the rule provides procedures on how to challenge EPC agency actions (e.g., permits), how to apply for a variance, public noticing of EPC actions, and rulemaking procedures. The rule was last revised in August of 2012. At a minimum, the Legal Department proposes to update antiquated references, clarify administrative appeal procedures, adopt updated rules of judicial procedure, and provide permit application completeness criteria. We anticipate it will be a few months before a draft will be ready for Commission consideration.

The EPC Act only requires the EPC to conduct a public hearing at the time of rule adoption, but EPC staff will also conduct non-mandatory stakeholder workshops as needed. The EPC staff is informing the Commission that it will conduct public workshop(s) and set a public hearing before the Commission to consider amendments to Chapter 1-2, Rules of the EPC – Administrative Procedures Rule. This is an informational report, no vote is required to initiate rulemaking.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.h.

Date of EPC Meeting: August 18, 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 YTD (2 nd Qtr)	2022 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	19 days	28 days	23 days	26 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	42 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	34 days	36 days	34 days	32 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	92%	97%	93%	95%	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	98% 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 # 9.a.

Date of EPC Meeting: August 18, 2022

Subject: Request for Pollution Recovery Funds to Sample and Assess Petroleum Contamination

Agenda Section: Regular Agenda

Division: Waste Division

Recommendation: Authorize the EPC to expend up to fifteen thousand dollars (\$15,000.00) of Pollution Recovery Funds to hire appropriate entities to conduct sampling and assessment of petroleum contamination on property located adjacent to 7702 Morning Glory Lane in Tampa.

Brief Summary: Paul Heckman was the owner of property located at 7702 Morning Glory Lane, Tampa, Florida (Property) between 2002 and 2004. Mr. Heckman also owned a truck that would be frequently parked adjacent to the property. In August 2002 there was a spill of diesel fuel from the saddle tanks of the truck while it was parked in an area adjacent to the road but outside the surveyed boundary of the Property. Hillsborough County Real Estate Department confirmed that the area is not owned by Hillsborough County. The soil has been removed but additional sampling is required to verify the site is clean and the case closed. No appropriate responsible party remains as Mr. Heckman can no longer be found and the discharge of petroleum product occurred on property with no clear owner. EPC staff is proposing to use Pollution Recovery Fund monies to complete the assessment of the site.

Financial Impact: No financial impact on general funds. Cost to the Pollution Recovery Fund is estimated to be less than fifteen thousand dollars (\$15,000).

List of Attachments: None.

Background: On August 27, 2002, Department of Environmental Protection Bureau of Emergency Response (BER) investigated a leak of diesel fuel on a property adjacent to property owned by Paul Heckman at 7702 Morning Glory Lane in Tampa (Property). The BER incident summary report stated that the truck owned by Mr. Heckman had been parked on an incline and fuel leaked out and discharged into the environment. The discharge occurred on property adjacent to the road but outside the surveyed boundary of the Property. Hillsborough County Real Estate Department confirmed the area is not owned by Hillsborough County. The responsible party at the time removed approximately 14 cubic yards of soil and properly disposed of the contaminated soils. BER referred this incident to the EPC to ensure that proper cleanup procedures were undertaken by any responsible parties.

Several correspondences were sent to Mr. Heckman between 2002 and 2004 advising that a Site Assessment (SA) must be initiated within 30 days and two copies of a Site Assessment Report (SAR) must be submitted within 270 days. Mr. Heckman submitted documentation supporting a claim of financial inability to pay for the assessment. Mr. Heckman later filed for bankruptcy protection and either sold or lost the Property in 2004. The soil has been removed but additional confirmatory sampling is required to verify the site is clean.

Since that time the EPC staff have attempted to work with Hillsborough County Real Estate or the adjacent property owner to obtain the required assessment information. The EPC staff have determined that Hillsborough

County and the adjacent property owner are not financially responsible to complete the work. In addition, Mr. Heckman can no longer be found and there is no other responsible party available to complete the nominal amount of work. It is anticipated that this additional sampling will verify the site is clean (the verification is required to be completed by State law) and the case can be closed. The PRF funds are to be allocated to the EPC to make the arrangements to complete the required assessment.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.b.

Date of EPC Meeting: August 18, 2022

Subject: Air Quality Concerns Regarding I-275 Expansion

Agenda Section: Regular Agenda

Division: Air Division

Recommendation: Informational Report

Brief Summary: Commissioner Smith asked the EPC staff to review and comment on air quality concerns related to the expansion of Interstate 275 that were raised at the Transportation Planning Organization discussion held on August 10, 2022.

Financial Impact: No Financial Impact

List of Attachments: None

Background:

On August 10, 2022, the Transportation Planning Organization (TPO) received public comment and held a discussion regarding air quality concerns related to the Florida Department of Transportation's (FDOT) expansion of Interstate 275 within the City of Tampa. Commissioner Smith asked the EPC staff to review the TPO meeting discussion and comment on the air quality concerns that were raised.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.c.

Date of EPC Meeting: August 18, 2022

Subject: Air Curtain Incinerator Application

Agenda Section: Regular Agenda

Division: Air Division

Recommendation: Informational Report

Brief Summary: Commissioner Hagan asked the EPC staff to give a presentation on a pending application for an air pollution permit to operate an air curtain incinerator by Louis Geraci, LLLP in the Lutz area.

Financial Impact: No Financial Impact

List of Attachments: None

Background:

Commissioner Hagan asked the Environmental Protection Commission of Hillsborough County (EPC) staff to give a presentation on a pending application for an air curtain incinerator (ACI).

Under our permitting delegation from the State of Florida Department of Environmental Protection (FDEP), the EPC is processing an application for a new air pollution source under applicable State laws. Specifically, it is an air construction permit application (Application No. 0571488-001-AC) from Louis Geraci, LLLP, for the construction of two ACIs to burn vegetative yard waste and land clearing debris at 1225 Crystal Lake Road, Lutz, Florida. An ACI is designed to blow a curtain of air over the burning material in a container to promote efficient combustion and minimize the emission of smoke and embers. This type of operation will have the potential to generate smoke and dust from the burning and handling of the materials. The EPC does not regulate any zoning, siting, or transportation matters.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.d.

Date of EPC Meeting: August 18, 2022

Subject: Ozone in Hillsborough County

Agenda Section: Regular Agenda

Division: Air Division

Recommendation: Informational Report

Brief Summary: This presentation will give an overview of what ozone is, how EPC staff monitors for it, and its environmental and human impact.

Financial Impact: No Financial Impact

List of Attachments: None

Background: In the 1970s, the U. S. Environmental Protection Agency created National Ambient Air Quality Standards for several air pollutants to better protect human health and the environment. For over 40 years, EPC staff has monitored for these pollutants, of which ground-level ozone is the most pervasive. Unlike stratospheric ozone which protects us from the sun's harmful rays, ozone is a lung irritant at ground-level. This informational presentation will provide an understanding of what ozone is, why and how EPC staff monitors for it, and ways persons can protect themselves from its effects.