

**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**  
**September 15, 2022**

**Location**  
 In Person attendance: 601 E. Kennedy Blvd., Tampa  
 BOCC Boardroom, County Center, 2<sup>nd</sup> Floor  
 Virtual attendance: see 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**

- Proclamation declaring September 19 - 25, 2022 as Pollution Prevention Week
- Recognition and farewell to Reggie Sanford, Air Division Director

**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 at: [agendas and public comment](#).*

**7. APPROVAL OF CONSENT AGENDA**

**Consent Agenda Items**

a. Approval of EPC Meeting Minutes for August 18, 2022 .....	2
b. Monthly Activity Report FY2022 (August) .....	8
c. Pollution Recovery Fund (PRF) Budget FY2022.....	11
d. Legal Case Notification .....	13
e. Request for authority to take appropriate legal action against Unique Deals LLC, Paul Savich and Ernest Haefel .....	15
f. Approve Transfer of PRF Agreement 20-04 from USF to UNF.....	17
g. Approve Cost of Living Adjustment for Executive Director .....	18

**8. PUBLIC HEARING (None)**

**9. REGULAR AGENDA**

a. 2022 EPC Annual Report .....	20
b. Update on Air Quality Analysis Regarding I-275 Expansion .....	21
c. Initiation of Executive Director’s Performance Review.....	22
d. 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 either virtually or in-person during the meeting may do so by completing the online Public Comment Form found at: [www.epchc.org/pubcomment](http://www.epchc.org/pubcomment). The form is open 48 hours prior to the start of the meeting for both virtual and in-person appearances. Virtual speakers must submit the online public comment form at least 30 minutes prior to the start of the meeting. In-person speakers will be able to sign up using the same online form 48 hours prior to arrival or can sign up on-site via our kiosk up until the start of the meeting. Visit the EPC webpage for more details on [agendas and public comment](#). Seating inside the Boardroom may be limited. 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:** September 15, 2022

**Subject:** Approval of the August 18, 2022, EPC meeting minutes.

**Agenda Section:** Consent Agenda

**Division:** Administration Division

**Recommendation:** Approve the August 18, 2022, EPC meeting minutes.

**Brief Summary:** Staff requests the Commission approve the meeting minutes from the Commission meeting held on August 18, 2022.

**Financial Impact:** No Financial Impact

**List of Attachments:** Draft copy of the August 18, 2022, EPC meeting minutes.

**Background:** None

AUGUST 18, 2022 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, August 18, 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 (arrived at 9:02 a.m.), Pat Kemp, Gwen Myers, Kimberly Overman, and Stacy White.

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

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

▶ Referencing the number of public speakers, ▶ **Commissioner White moved to set the time for speakers at two minutes so that the EPC Board could hear from as many of the folks as possible, seconded by Commissioner Myers.** Discussion occurred. ▶ **The motion carried seven to zero.**

2. ROLL CALL - ▶ **None.**

3. CHANGES TO THE AGENDA

▶ Ms. Elaine DeLeeuw, EPC Administration Director, announced there were no changes to the agenda.

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

5. RECOGNITIONS AND PROCLAMATION

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

▶ Ms. DeLeeuw introduced ▶ Mr. Sterlin Woodard, Director, EPC Wetlands Management, who gave a presentation. Ms. Hager-Shrieves made comments. Dialogue ensued.

6. PUBLIC COMMENT

▶ State Senator Janet Cruz voiced opposition to Item 9.c., Air Curtain Incinerator (ACI) Application. Chair Smith clarified the EPC Board would receive a report on Item 9.c. Commissioner Hagan intended to take action on the item.

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The following people spoke on Item 9.c.: ► Messrs. Lynn Robinson and David Grymonpre; Ms. Carmen Edmonds; ► Messrs. Bryan Flynn, Jeffrey Gareau, ► Joseph Greco, and Ketan Gohil; Ms. Robyn Eaton; ► Attorney Brent Gordon; Ms. Jennifer Messer; Messrs. William Sawhill and ► James Slattery; Dr. Jennifer Collins; Mr. Eric Forsyth; ► Meses. Angela Birdsong, Gina Marie Smith, and Allison Jacobs; Messrs. Steven Dorn and ► Brett Groves; Ms. Lisa Wade; Attorney Kirsten Woodruff; ► Mr. David Tillery; Ms. Jenna Paladino; Mr. Steve Hess; ► Dr. James Costello; Attorney Kevin Ambler; Meses. Leslie Babich and ► Judy Battles; and Messrs. Douglas Ibarra, Mark Haddad, ► Frank Haunstetter, Gregory Quintana, and Delbert Snyder.

► Attorney Ricardo Fernandez and Ms. Candace Savitz touched on Item 9.b., Air Quality Concerns Regarding Interstate (I) 275 Expansion.

► Regarding further public comment opportunities for Item 9.c., ► Ms. DeLeeuw suggested moving Items 9.d., Ozone Presentation, and 9.e., Executive Director's Report, to the September 2022 EPC meeting. ► **Commissioner Overman moved the EPC Board defer Items 9.d. and 9.e. to the next EPC meeting, seconded by Commissioner White, and carried seven to zero.** Dialogue continued on the upcoming August 23, 2022, virtual community meeting, EPC website information, and the virtual meeting's format.

## 7. APPROVAL OF CONSENT AGENDA

### Consent Agenda Items

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

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▶ **Commissioner Cohen approved to move the Consent Agenda, seconded by Commissioner Kemp, and carried seven to zero.**

8. PUBLIC HEARING - **None.**

9. REGULAR AGENDA

a. Request for PRFs to Sample and Assess Petroleum Contamination

▶ Ms. Andrea Murley, EPC, spoke on the item. ▶ **Commissioner Overman moved to authorize, seconded by Commissioner White, and carried six to zero.** (Commissioner Kemp was out of the room.)

b. Air Quality Concerns Regarding I-275 Expansion

▶ Mr. Reginald Sanford, Director, EPC Air Management Division, supplied a presentation. ▶ Referencing the leasing of air quality monitoring equipment, Commissioner Overman requested air testing for all future interstate projects. Commissioner Kemp remarked on independent air quality evaluations and financing future air monitoring options. Desiring to hear from the Transportation Planning Organization (TPO) prior to the September 2022 EPC meeting, ▶ **Commissioner Cohen moved to get the TPO into the September 5, 2022, Board of County Commissioners (BOCC) meeting with a report on where things stood and added remarks. Commissioner Kemp seconded the motion.** Following schedule discussions, Chair Smith advised hearing the TPO report as a commissioner's agenda item at a BOCC meeting and conferred with ▶ EPC General Counsel Rick Muratti on meeting options. Commissioner Myers suggested the EPC also supply an item presentation to the TPO. ▶ **The motion carried seven to zero.** Chair Smith addressed public comment concerns.

c. ACI Application

▶ Mr. Sanford expounded on a presentation. ▶ Subsequent to sharing a video, opining on the item, and displaying images, ▶ **Commissioner Hagan moved to instruct the EPC director to stop all work related to the permit application for the operation of permanent ACIs in Lutz; to not issue the draft permit; and then furthermore, moved the EPC Board authorize either a letter or resolution clearly stating the EPC Board's stern opposition to allowing the operation of the ACIs, and that a copy be sent to the Governor, the secretary of the Florida Department of Environmental Protection, and all members of the State Legislative Delegation, seconded by Commissioner Myers.**

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▶ Dialogue ensued on the EPC's legal obligations to the State's permitting process and the potential consequences of the motion. Commissioner Overman pondered options to convey zoning process uncertainties. ▶ After observing the potential legal risks, conferring with Attorney Muratti on the default permit possibility, and voicing motion apprehensions, Commissioner Kemp wanted the County Attorney's Office/EPC to review other options. ▶ Commissioner Cohen inquired on the strongest point in the process to exert EPC Board considerations, which ▶ Mr. Adam Gormly, Director, Development Services, supplied. Commissioner Cohen opined on the motion's potential impacts. ▶ Noting Code Enforcement/County emission evaluations and the perceived inconsistencies between the applicant's proposal and the requested action, Chair Smith contemplated the EPC Board's most effective responses. ▶ Commissioner Hagan argued immediate action was needed due to time constraints.

▶ Voicing support for the motion and an analysis of all 15 delegation agreements, Commissioner White asked whether an EPC Board motion to consider publicly initiated rezoning based on health/safety/welfare concerns would be legally sufficient for staff direction and to trigger the zoning in progress. Mr. Gormly and Attorney Muratti suggested such a motion be made as the BOCC. Pondering a straw poll on a publicly initiated rezoning and the application's approval time frame, Commissioner White advocated for the motion and implored Mr. Gormly to schedule an agenda item to address publicly initiated rezonings for the next land use meeting on the basis of the application record's questions and the community's health/safety/welfare.

▶ Commissioner Myers desired an update on changing the zoning application process and stressed the importance of the EPC Board's knowledge for future applications. Declaring the zoning/County permitting the best option against the application, Chair Smith backed the motion. Conferring with Commissioner Hagan on the motion intent, Commissioner Cohen endorsed the motion. ▶ Commissioner Overman wanted an item to examine the application's zoning on the next land use meeting. Commissioner Kemp would support the motion. Ms. DeLeeuw deferred to Attorney Muratti and Mr. Sanford, who clarified potential options/application allotments. Subsequent to remarks, ▶ **the motion carried seven to zero.**

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▶ Upon conferring with Mr. Gormly on a publicly initiated rezoning, how the process would begin moving, and zoning in progress, ▶ **Commissioner White moved to direct Mr. Gormly to bring to the Board next week at the land use meeting an item that would a.) make a recommendation to the EPC Board as to whether or not the County should pursue a publicly initiated rezoning, and b.), to recommend to the EPC Board whether or not the EPC staff should declare zoning in progress, seconded by Commissioner Cohen, and carried seven to zero.**

d. Ozone Presentation

▶ **Continued to the September 2022 EPC meeting.**

e. Executive Director's Report

▶ **Continued to the September 2022 EPC meeting.**

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

ADJOURN

▶ There being no further business, the meeting was adjourned at 12:26 p.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:** September 15, 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 August 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>August</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	7	79
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	472	4160
<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)	97.4%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.2%	N/A
3	Number of Noise Monitoring Events	3	25
<b>C.</b>	<b><u>Core Function: Environmental Permitting</u></b>		
1	Permit/Authorization Applications Received	156	1712
2	Applications In-house >180 days	1	N/A
3	Permits/Authorizations Issued	153	1701
4	Petroleum Cleanup Cases	145	1168
<b>D.</b>	<b><u>Core Function: Compliance Assurance</u></b>		
1	Compliance Inspections	274	3075
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	133	1335
3	Compliance Assistance Letters Issued	142	1679
4	Warning Notices Issued	14	215
<b>E.</b>	<b><u>Core Function: Enforcement</u></b>		
1	New Cases Initiated	5	59
2	Active Cases	81	N/A
3	Tracking Cases	51	N/A



# Citizen Support & Outreach

## Environmental Complaints Received for FY2022

09/07/2022 11:45 AM

Environmental Complaints Received		Aug	FY2022
<b>Agency Total</b>		<b>188</b>	<b>1450</b>
<b>Air Division</b>		<b>84</b>	<b>562</b>
General		4	75
Noise		12	303
Open Burning		12	90
Pollution		56	94
<b>Waste Division</b>		<b>18</b>	<b>114</b>
General		2	6
Solid & Hazardous Waste		12	79
SQG		4	28
Water Pollution/Quality			1
<b>Water Division</b>		<b>46</b>	<b>363</b>
General		3	31
Unauthorized Discharge/Disposal		7	81
Wastewater		28	209
Water Pollution/Quality		8	42
<b>Wetlands Division</b>		<b>40</b>	<b>411</b>
Dredge & Fill		5	125
General		3	19
Mangrove Impacts		2	40
Solid & Hazardous Waste			3
Unauthorized Discharge/Disposal			2
Unauthorized Seawall/Dock		9	59
Water Pollution/Quality		2	6
Wetland Clearing		17	134
Wetland Flooding/Drainage		2	23



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 7.c.

**Date of EPC Meeting:** September 15, 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 8/31/2022**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 857,373	Artificial Reef	\$ 33,338	Minimum Balance	\$ 120,000	
Interest	\$ (11,652)	Open Projects	\$ 419,246	Est. FY 23 Budget	\$ 33,338	
Deposits	\$ 406,379			Asbestos Removal	\$ 5,000	
Total	\$ 1,252,099	Total	\$ 452,584	Total	\$ 158,338	\$ 641,177

PROJECT	Project Amount	Project Balance
<b>FY18 Projects</b>		
Audubon Florida Invasive Removal	10131.102063.582990.5370.1293	\$ 50,000
		\$ 9,404
		\$ 50,000
		\$ 9,404
<b>FY21 Projects</b>		
TBW 2D Island Living Shoreline	10131.102063.582990.5370.1350	\$ 49,560
Eckerd College Microplastic Pollution	10131.102063.582990.5370.1351	\$ 49,450
USF Multidrug Resistant Bacteria	10131.102063.581990.5370.1353	\$ 50,000
Tampa P&R Ignacio Haya Park	10131.102063.581001.5370.1354	\$ 50,000
USF Fecal Source Detection	10131.102063.581990.5370.1355	\$ 50,000
ERI MacDill AFB Saltern Restoration	10131.102063.582990.5370.1356	\$ 37,000
ERI FWC Living Shoreline Demo Site	10131.102063.582990.5370.1357	\$ 42,000
UF/IFAS Florida Friendly Landscaping	10131.102063.581990.5370.1358	\$ 8,600
		\$ 8,600
		\$ 336,610
		\$ 275,051
<b>FY22 Projects</b>		
DOH/EPC Radon Study	10131.102063.534990.5370.1359	\$ 20,860
DOH/EPC Radon Study	10131.102063.552001.5370.1359	\$ 14,000
Heckman Petro. Assess.	10131.102063.534990.5370.1297	\$ 15,000
		\$ 45,261



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 7.d.

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

<b>EPC Case No.</b>	<b>Date Opened</b>	<b>Case Type</b>	<b>Case Style</b>	<b>Division</b>
22-EPC-010	08/16/22	Administrative Appeal	Sunshine State Conservation, LLC vs. EPC	Wetlands



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #7.e.

**Date of EPC Meeting:** September 15, 2022

**Subject:** Request for authority to take appropriate legal action against Unique Deals LLC, Paul Savich and Ernest Haefele

**Agenda Section:** Consent Agenda

**Division:** Waste Division

**Recommendation:** Grant authority to pursue appropriate legal action and grant Executive Director or designee settlement authority.

**Brief Summary:** The Respondents Unique Deals LLC, Paul F. Savich and Ernest Haefele have disposed of solid waste in violation of Chapter 1-7, Rules of the EPC. The parties entered into a settlement in the form of a Consent Order in December 2020. The parties are currently not in compliance with the Consent Order, thus staff recommends litigation to enforce the Consent Order.

**Financial Impact:** There is no immediate financial impact anticipated for this item. Funding for litigation may utilize general fund and Waste Division contract funds. EPC will seek to recover the costs of any litigation.

**List of Attachments:** None

### Background:

Respondents Unique Deals LLC, Paul F. Savich, and Ernest M. Haefele own properties located at 12755 Balm Boyette Road, 12701 Balm Boyette Road in Riverview and at 13725 Hobson Simmons Road in Lithia. Respondents have been disposing mulched wood waste or also known as processed yard trash on the properties inconsistent with guidance provided by the EPC which allows the beneficial reuse of up to two feet of material without the need for EPC authorization. Disposal of this material in excess of two feet constitutes disposal of solid waste. The total area of disposed processed yard trash on the properties exceeds 43 acres in size.

The processed yard trash that has been land applied on the properties in excess of two feet in depth constitutes the unauthorized disposal of solid waste and constitutes a violation of the EPC's Waste Management Rule, Chapter 1-7, Rules of the EPC (Chapter 1-7). On April 29, May 7, and May 13 of 2019, EPC staff inspected the properties and determined that processed yard trash in many areas exceeded the allowable two feet and no EPC Director's Authorization had been approved for the application of the material. Based on the depths of the material and the final use, the deposited mulch continues to constitute a regulated solid waste. The parties subsequently entered into a settlement in the form of a Consent Order on December 15, 2020 that addressed the Chapter 1-7 solid waste violations as well as an EPC issued Citation of Violation. The

Consent Order included corrective actions and stipulated penalties for failure to timely complete corrective actions. Site inspections in 2020, 2021 and 2022 identified the corrective actions in the Consent Order have not been completed. The violations remain unresolved.

The EPC has authority for this action under its Enabling Act, Chapter 84-446, Laws of Florida, as amended and the rules promulgated thereunder, including Chapter 1-7. The EPC staff requests the Commission grant staff authority to take appropriate legal action, including but not limited to filing a civil lawsuit, and authorize the Executive Director or designee to enter into any potential settlement.



## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

Agenda Item #7.f.

**Date of EPC Meeting:** September 15, 2022

**Subject:** Request for Approval to Transfer PRF Agreement 20-04 From the University of South Florida to the University of North Florida

**Agenda Section:** Consent Agenda

**Division:** Water Division

**Recommendation:** 1) Approve a transfer of the approved PRF project #20-04 “16S Metagenomic Screening of Multidrug Resistant Bacteria in Wastewater Vessels for Nanoremediation” from the University of South Florida to University of North Florida; and 2) Empower the EPC Chairperson to a) sign a transfer agreement with the University of South Florida; and b) enter into a PRF agreement with University of North Florida for the remainder of the approved project.

**Brief Summary:** Pollution Recovery Fund Project #20-04 “16S Metagenomic Screening of Multidrug Resistant Bacteria in Wastewater Vessels for Nanoremediation” was approved for \$50,000.00 in PRF funds on January 14, 2021 by the Commission. The University of South Florida lead Project Manager has accepted a position at the University of North Florida and has requested the transfer of the grant fund to the University of North Florida to continue the project. The project area will still be concentrated on wastewater treatment plants in Hillsborough County, and no changes to the Scope of Work outlined in the existing Agreement will be made. The University of South Florida has agreed to the transfer of this project to the University of North Florida.

**Financial Impact:** No financial impact.

**List of Attachments:** None

**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. PRF has provided over \$8,000,000 for environmental projects in Hillsborough County since 1987.

Pollution Recovery Fund Project #20-04 “16S Metagenomic Screening of Multidrug Resistant Bacteria in Wastewater Vessels for Nanoremediation” was approved for \$50,000.00 in PRF funds on January 14, 2021 by the Commission. Dr. Alya Limayem, currently with the University of South Florida, has accepted a position at the University of North Florida and will continue the project, necessitating the transfer of PRF funds to the University of North Florida.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 7.g.

**Date of EPC Meeting:** September 15, 2022

**Subject:** Cost of Living Adjustment for Executive Director

**Agenda Section:** Consent Agenda

**Division:** Administration Division

**Recommendation:** Approve Cost of Living Adjustment for the Executive Director effective July 31, 2022, similar to the adjustment approved for all County employees and as directed during the BOCC meeting on September 8, 2022.

**Brief Summary:** At the Hillsborough County Board of County Commissioners (BOCC) meeting on September 8, 2022, the BOCC voted to approve a motion by Commissioner Myers to give a Cost of Living Adjustment for the County Administrator, County Attorney, County Internal Auditor, and the EPC Executive Director. To ratify the action the BOCC took regarding the EPC Executive Director, it is recommended a similar vote be taken by the EPC Commission.

**Financial Impact:** To be paid from General Fund

**List of Attachments:** COLA Pay Increase Memorandum from the County Administrator

### Background:

At the BOCC meeting on September 8, 2022, Commissioner Myers presented an agenda item regarding a Cost of Living Adjustment (COLA) for the County Administrator, County Attorney, County Internal Auditor, and EPC Executive Director. Specifically, Commissioner Myers moved and the BOCC voted to give the four contracted employees the same Cost of Living Adjustment that all other County employees received, as detailed in the attached memorandum, and that it be effective retroactive to July 31, 2022. To ratify the BOCC vote regarding the EPC Executive Director, Janet Lorton, it is recommended a similar vote be taken by the EPC Commission.

**From:** From the Desk of the County Administrator  
**Sent:** Wednesday, July 20, 2022 12:57 PM  
**To:** COIN News  
**Subject:** Cost of Living Adjustment Pay Increase  
**Importance:** High

Dear employees,

As an employee, you are our most valuable asset. You serve as the backbone of our community. Without you, the service delivery our community greatly depends on would not be possible. Your financial well-being and quality of life are some of my top concerns, and I recognize many of you are struggling with the pace and size of recent cost increases.

Earlier today the Board approved a County Administrator recommended budget amendment that will allow Hillsborough County to implement a 3% Cost of Living Adjustment (COLA) pay increase for all nonunion employees effective July 31, 2022, to be reflected on the Aug. 19, 2022, paycheck. We will also adjust pay ranges to accommodate the 3% COLA recognizing an increase in market compensation. Additionally, to provide some immediate relief to offset rapidly increasing prices, I have authorized a one-time \$500 COLA payment to be included in your paycheck on Aug. 19, 2022.

For union employees, increases are subject to the collective bargaining process, and we are committed to working with the unions to move this forward.

In addition to the 3% COLA adjustment and the \$500 payment, I presented the FY 23 Recommended Budget to the Board today, which includes recommendations to further enhance the County's compensation and benefits package. Some of these items include:

- Performance pay increases
- Additional COLA increase
- No increase to health insurance premiums (the County will pick up this cost)
- Further increasing County pay ranges
- Implementation of the Labor Market Study
- Enhancements to the Tuition Reimbursement Program
- Reimbursement of initial certifications
- Opportunity to receive new wellness incentives
- Conversion to Paid Time Off versus our current Vacation and Sick program

I hope that this initial step of a 3% COLA and a \$500 payment helps to alleviate some of the impacts of the recent economic challenges on your household. I will keep you updated as we move forward with the recommended additional benefits listed above.

Please know, I remain committed to the overall health and well-being of our employees and their families as we move through these challenging times together. Thank you for your commitment, hard work, and all that you do.

Sincerely,

*~Bonnie*

**Bonnie M. Wise**  
**County Administrator**

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**Hillsborough County**  
601 E. Kennedy Blvd.,  
26<sup>th</sup> Floor  
Tampa, FL 33602

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# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 9.a.

**Date of EPC Meeting:** September 15, 2022

**Subject:** 2022 EPC Annual Report

**Agenda Section:** Regular Agenda

**Division:** Executive Director Report

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

**Brief Summary:** The Executive Director will be delivering her annual report to the Commission. The theme of this year's report is "Environment Protection Through Community Connection" which recognizes EPC's effort to engage with the public to emphasize the importance of a healthy environment. The presentation will include information and data regarding the EPC's efforts to protect the environment and regulate air, waste, wetlands, and water pollution, as well as, activities reflective of the Agency's core functions.

**Financial Impact:** No Financial Impact

**List of Attachments:** None

**Background:** Customarily, the Executive Director presents an annual report to the Commission each Fall. The theme of this year's report is "Environment Protection Through Community Connection." This annual report is provided to update the Commission on environmental conditions and trends within Hillsborough County. Significant events will be mentioned and some trends detailed. This report is typically delivered to the Commission each Fall and presented at various speaking engagements throughout the rest of the year.

Among other things, the Annual Report presentation will include information and data regarding: EPC's efforts to protect our natural resources and regulate air, waste, wetlands, and water pollution; the collection of water and air quality data; the activities reflective of the Agency's core functions; and other general staff activities. This report is also one of the many tools the Commission uses to evaluate the Executive Director. The evaluation process will commence and should be finalized over the next few months.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 9.b.

**Date of EPC Meeting:** September 15, 2022

**Subject:** Air Quality Concerns Regarding I-275 Expansion Follow-up

**Agenda Section:** Regular Agenda

**Division:** Air Division

**Recommendation:** Informational Report

**Brief Summary:** Commissioners asked EPC staff to follow up with an evaluation of the FDOT information provided and the information provided by a nearby citizen, information on current near-road air monitoring, and estimated cost of conducting monitoring. These items were raised at the Transportation Planning Organization discussion held on August 10, 2022 and the EPC Meeting on August 18, 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. EPC staff gave a brief presentation at the August 18, 2022 EPC meeting. Staff was asked to review the FDOT information, the information received from a concerned citizen, and estimate the cost of conducting monitoring. In addition, staff was asked to provide information regarding current near road monitoring.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 9.c.

**Date of EPC Meeting:** September 15, 2022

**Subject:** Initiation of Executive Director's Performance Review

**Agenda Section:** Regular Agenda

**Division:** Administration Division

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

**Brief Summary:** Pursuant to the Executive Director's Employment Agreement, the Commission must perform an annual evaluation of her performance. A blank evaluation form is attached and a blank form will also be distributed separately to the Commissioners. By next week, Ms. Lorton will provide a self-evaluation to assist the Commissioners in objectively measuring her performance. She would also welcome personal meetings. The results will be compiled and presented during the next EPC Commission meeting, scheduled for October 20, 2022.

**Financial Impact:** No Financial Impact

**List of Attachments:** Performance Evaluation Form

### **Background:**

Annually, the Commission evaluates the performance of EPC Executive Director, Janet D. Lorton. This usually occurs after the presentation of the Agency's Annual Report. It is anticipated that the evaluation will be conducted at the tentatively scheduled Commission meeting on October 20, 2022. In preparation for the annual evaluation, EPC administrative staff provide to the Commission a performance evaluation form. In addition to the form attached to this agenda item, staff will provide the Commissioners with a duplicate blank evaluation form via e-mail.

Also, for the Commission's consideration, the Executive Director will provide a self-evaluation and a list of EPC accomplishments to assist the Commissioners in objectively measuring her performance. She would also welcome personal meetings with any Commissioner who wishes one.

Each Commissioner is asked to complete the evaluation form and return their completed form to EPC Chair Commissioner Smith's office by October 7, 2022. The Chair will provide the results to EPC administration and the results will be compiled and presented during the following EPC Commission meeting.

# PERFORMANCE EVALUATION



Janet D. Lorton, Executive Director  
 Environmental Protection Commission of Hillsborough County  
 October 1, 2021 to September 30, 2022

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

**RANKING CRITERIA** – ranking criteria is listed from the highest (5) to the lowest (1).

- 5 - Behaviors/Accomplishments are outstanding and as such are obvious to others in County government and to members of the Community.
- 4 - Behaviors/Accomplishments are excellent and recognized as more than just competent in that expectations are exceeded in the area of responsibility.
- 3 - Behaviors/Accomplishments are good in that expectations are consistently met for the areas of responsibility.
- 2 - Behaviors/Accomplishments are adequate but fall below expectations for the area of responsibility.
- 1 - Behaviors/Accomplishments are below an acceptable level of expectations for the area of responsibility.



*Insert a numerical ranking of 1 to 5 (5 being the highest) in each box and add any additional comments at the bottom.*

<b>BEHAVIORS</b>							
Leadership	Communication	Responsiveness	Respectful & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization

<b>ACCOMPLISHMENT OF GOALS</b>				
Environmental Protection Excellence	Successful / Engaged Workforce	Customer/Partner Focused Excellence	Fiscal Responsibility	Continuous Improvement

<b>PERFORMANCE MEASURES ON CORE FUNCTIONS</b>					
Timely Delegated State Permit Processing	Timely Port Authority Permit Processing	Timely Local EPC Permit Processing	Timely Compliance	Timely Complaint Investigations	Timely Enforcement

Commissioner Name: \_\_\_\_\_ Date: \_\_\_\_\_

Comments (optional) :