

**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**  
**October 20, 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**

- Farewell to Commissioner Stacy White

- 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 September 15, 2022 .....   | 2  |
| b. Monthly Activity Report FY2022 (September).....  | 6  |
| c. Pollution Recovery Fund (PRF) Budget FY2022.....   | 9  |
| d. Second Amendment to PRF Agreement with Audubon Florida for Agreement #17-02: Invasive Tree Removal from Audubon’s Bird Island, Green Key, and Whiskey Stump Key Sanctuaries..... | 11 |
| e. Select Performance Measure Goals Quarterly Update .....  | 15 |

**8. PUBLIC HEARING (None)**

**9. REGULAR AGENDA**

- |   |    |
|---|----|
| a. FY2022 Performance Evaluation of the Executive Director .....            | 17 |
| b. Revisions to the Employment Agreement of the Executive Director.....     | 27 |
| c. Air Quality Concerns Regarding I-275 Expansion Update .....              | 29 |
| d. Small Quantity Generator/Hazardous Waste (SQG) Program Presentation..... | 30 |
| 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 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:** October 20, 2022

**Subject:** Approval of the September 15, 2022, EPC meeting minutes.

**Agenda Section:** Consent Agenda

**Division:** Administration Division

**Recommendation:** Approve the September 15, 2022, EPC meeting minutes.

**Brief Summary:** Staff requests the Commission approve the meeting minutes from the Commission meeting held on September 15, 2022.

**Financial Impact:** No Financial Impact

**List of Attachments:** Draft copy of the September 15, 2022, EPC meeting minutes.

**Background:** None

SEPTEMBER 15, 2022 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, September 15, 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, Gwen Myers, Kimberly Overman (via telephone), 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.

2. ROLL CALL

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

3. CHANGES TO THE AGENDA

▶ Subsequent to a brief overview of the changes, Ms. Janet Lorton, EPC Executive Director, deferred to EPC General Counsel Rick Muratti, who reviewed the changes to the agenda. Chair Smith sought a motion to approve the changes. ▶ **Commissioner Kemp moved changes, seconded by Commissioner White.** 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

a. Proclamation declaring September 19-25, 2022, as Pollution Prevention Week

▶ Subsequent to Mr. Jerry Javier, EPC, touching on the item, ▶ Chair Smith presented the proclamation.

b. Recognition and farewell to Reggie Sanford, Air Division Director

▶ Ms. Lorton shared a presentation. ▶ Mr. Sterling Woodard, EPC, detailed contributions and expressed appreciation for Mr. Sanford. ▶ After making laudatory remarks, Ms. Lorton, bestowed the Lifetime Achievement Award. ▶ Mr. Sanford highlighted working for EPC. Dialogue ensued.

THURSDAY, SEPTEMBER 15, 2022

6. PUBLIC COMMENT

▶ Mr. Rick Fernandez announced he was present. Ms. Candice Savitz expressed concern about Interstate (I) 275 pollution.

7. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of EPC Meeting Minutes for August 18, 2022
- b. Monthly Activity Report Fiscal Year (FY) 2022 (August)
- c. Pollution Recovery Fund (PRF) Budget FY 2022
- d. Legal Case Notification
- e. Request for authority to take appropriate legal action against Unique Deals LLC, Paul Savich and Ernest Haefel
- f. Approve Transfer of PRF Agreement 20-04 from University of South Florida to University of North Florida
- g. Approve Cost of Living Adjustment for Executive Director

Subsequent to conversation on merging parcels, ▶ **Commissioner White moved consent and added on there, if appropriate, to consider adding the Little Manatee River parcel case into the one referenced in Item E, seconded by Commissioner Kemp. Upon roll call vote, ▶ the motion carried seven to zero.**

8. PUBLIC HEARING - **None.**

9. REGULAR AGENDA

- a. 2022 EPC Annual Report

▶ Ms. Lorton furnished the report.

- b. Update on Air Quality Analysis Regarding I-275 Expansion

▶ Ms. Lorton introduced Mr. Sanford, who presented the item. ▶ Commissioner Kemp inquired on the American Lung Association ratings. Talks occurred. ▶ **Commissioner Kemp moved approval with recommendations as stated.** Discussion continued on air pollution levels. ▶ **The motion was seconded by Commissioner Myers.** Following dialogue and upon roll call vote, ▶ **the motion carried five to zero.** (Commissioners Cohen and Overman had left the room).

THURSDAY, SEPTEMBER 15, 2022

c. Initiation of Executive Director's Performance Review

▶ Ms. Elaine Deleeuw, EPC, summarized the performance review.

d. 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 10:54 a.m.

READ AND APPROVED: \_\_\_\_\_

CHAIR

ATTEST:

CINDY STUART, CLERK

By: \_\_\_\_\_  
Deputy Clerk

rs

DRAFT



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 7.b.

**Date of EPC Meeting:** October 20, 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 September 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**

		<b>September</b>	<b>FISCAL YEAR TO DATE</b>
<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	3	82
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	370	4530
<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)	97.1%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.9%	N/A
3	Number of Noise Monitoring Events	0	25
<b>C.</b>	<b><u>Core Function: Environmental Permitting</u></b>		
1	Permit/Authorization Applications Received	125	1837
2	Applications In-house >180 days	1	N/A
3	Permits/Authorizations Issued	100	1801
4	Petroleum Cleanup Cases	110	1278
<b>D.</b>	<b><u>Core Function: Compliance Assurance</u></b>		
1	Compliance Inspections	165	3240
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	75	1410
3	Compliance Assistance Letters Issued	92	1771
4	Warning Notices Issued	19	234
<b>E.</b>	<b><u>Core Function: Enforcement</u></b>		
1	New Cases Initiated	1	60
2	Active Cases	80	N/A
3	Tracking Cases	50	N/A



## Citizen Support & Outreach

### Environmental Complaints Received for FY2022

10/11/2022 02:56 PM

Environmental Complaints Received	Sep	FY2022
<b>Agency Total</b>	<b>80</b>	<b>1523</b>
<b>Air Division</b>	<b>18</b>	<b>579</b>
General	4	79
Noise	9	311
Open Burning	5	94
Pollution		95
<b>Waste Division</b>	<b>13</b>	<b>125</b>
General		6
Solid & Hazardous Waste	8	85
SQG	5	33
Water Pollution/Quality		1
<b>Water Division</b>	<b>40</b>	<b>399</b>
General	2	33
Unauthorized Discharge/Disposal	8	87
Wastewater	24	232
Water Pollution/Quality	6	47
<b>Wetlands Division</b>	<b>9</b>	<b>420</b>
Dredge & Fill	3	128
General		19
Mangrove Impacts	2	42
Solid & Hazardous Waste		3
Unauthorized Discharge/Disposal		2
Unauthorized Seawall/Dock		59
Water Pollution/Quality		7
Wetland Clearing	4	137
Wetland Flooding/Drainage		23





# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 7.c.

**Date of EPC Meeting:** October 20, 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 9/30/2022**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 857,373	Artificial Reef	\$ 33,338	Minimum Balance	\$ 120,000	
Interest	\$ (13,422)	Open Projects	\$ 419,246	Est. FY 23 Budget	\$ 33,338	
Deposits	\$ 418,489			Asbestos Removal	\$ 5,000	
Total	\$ 1,262,439	Total	\$ 452,584	Total	\$ 158,338	\$ 651,517

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
		\$ 49,860
		\$ 44,089



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 7.d.

**Date of EPC Meeting:** October 20, 2022

**Subject:** Second Amendment to PRF Agreement with Audubon Florida - Invasive Tree Removal from Audubon's Bird Island, Green Key, and Whiskey Stump Key Sanctuaries

**Agenda Section:** Consent Agenda

**Division:** Water Division

**Recommendation:** Authorize the Chair to execute an amendment to the PRF Agreement between EPC and National Audubon Society, Inc. dba Audubon Florida to 1) Extend the agreement expiration date to December 31, 2022 (the extended deadline is retroactive to the previous deadline of July 1, 2022); and 2) Reallocate \$855.71 in PRF funds between budget categories without an increase in the approved PRF budget amount.

**Brief Summary:** Pollution Recovery Fund Project #17-02 Invasive Tree Removal from Audubon's Bird Island, Green Key, and Whiskey Stump Key Sanctuaries was approved for \$50,000.00 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 July 1, 2022. In addition, Audubon Florida has requested to reallocate PRF funds between budget categories from what was originally proposed. This request includes decreasing "Other" costs by \$355.71, decreasing "Materials" costs by \$500.00, and increasing "Personnel" costs by \$855.71. The requested budget amendments do not affect the total amount originally budgeted and approved for PRF funding.

**Financial Impact:** No financial impact.

**List of Attachments:** Second Amendment to PRF Agreement with Audubon Florida - Invasive Tree Removal from Audubon's Bird Island, Green Key, and Whiskey Stump Key Sanctuaries

**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.

National Audubon Society, Inc. dba Audubon Florida applied for and EPC approved Pollution Recovery Fund Project #17-02 Invasive Tree Removal from Audubon's Bird Island, Green Key, and Whiskey Stump Key Sanctuaries for \$50,000.00 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 July 1, 2022. In addition, Audubon Florida has requested to reallocate PRF funds between budget categories from what was originally proposed. This request includes decreasing "Other" costs by \$355.71, decreasing "Materials" costs by \$500.00, and increasing "Personnel" costs by \$855.71. There is no increase in the amount of money being awarded.

National Audubon Society, Inc. dba Audubon Florida and the EPC staff request that Commission approve the following two actions and authorize the Chair to execute them in an agreement amendment: 1) Retroactively extend the agreement expiration date to December 31, 2022 (the extended deadline is retroactive to the previous deadline of July 1, 2022); and 2) Reallocate \$855.71 in PRF funds between budget categories as follows:

- a)\$355.71 will be removed from “Other” costs
- b)\$500.00 will be removed from “Materials” costs
- c)\$855.71 will be added to “Personnel” costs

**SECOND AMENDMENT TO THE  
POLLUTION RECOVERY FUND AGREEMENT #17-02 between  
The ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
And  
NATIONAL AUDUBON SOCIETY, INC. dba AUDUBON FLORIDA**

**THIS SECOND AMENDMENT TO THE AGREEMENT** for the project titled **Invasive Tree Removal from Audubon's Bird Island, Green Key, and Whiskey Stump Key Sanctuaries** 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 **NATIONAL AUDUBON SOCIETY, INC. dba AUDUBON FLORIDA**, 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 National Audubon Society, Inc. dba Audubon Florida submitted an application to the EPC to utilize funding from the Pollution Recovery Fund to perform the project titled: Invasive Tree Removal from Audubon's Bird Island, Green Key, and Whiskey Stump Key Sanctuaries (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 **\$50,000.00** 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 February 21, 2018 that expired on February 21, 2021; and

**WHEREAS**, the parties entered into the First Amendment to the Pollution Recovery Fund Agreement (First Amendment) on February 26, 2021 that expires on July 1, 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. This request includes decreasing "Other" costs by \$355.71, decreasing "Materials" costs by \$500.00, and increasing "Personnel" costs by \$855.71. 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 First Amendment to the Pollution Recovery Fund Agreement #17-02 between the Environmental Protection Commission of Hillsborough County and National Audubon Society, Inc. dba Audubon Florida is rescinded.
2. The deadline in paragraph 2 of the Agreement is extended to December 31, 2022. This Second 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 December 31, 2022, whichever occurs first. The Scope of Services is also amended to reflect the amended expiration date of the Second Amendment to the Agreement.
3. A portion of the approved Pollution Recovery Fund monies detailed in the Agreement Attachment 1 (Scope of Work) Section C in the amount of \$855.71 will be reallocated between budget categories as follows:
  - a) \$355.71 will be removed from "Other" costs
  - b) \$500.00 will be removed from "Materials" costs
  - c) \$855.71 will be added to "Personnel" costs
4. Except as noted in paragraphs 1, 2 and 3 above, all other provisions of the Agreement and any attachments remain unchanged and in full force and effect.

**ENVIRONMENTAL PROTECTION  
COMMISSION OF HILLSBOROUGH  
COUNTY**

**NATIONAL AUDUBON SOCIETY, INC.  
dba AUDUBON FLORIDA**

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

By:  \_\_\_\_\_  
**Neeta Hatley,  
Vice President, Controller  
Treasury & Financial Operations**

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

Date: 8/5/2022



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 7.e.

**Date of EPC Meeting:** October 20, 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 (3 <sup>rd</sup> 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	43 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	34 days	36 days	34 days	31 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	92%	97%	93%	97%	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 # 9.a.

**Date of EPC Meeting:** October 20, 2022

**Subject:** FY2022 Performance Evaluation of the Executive Director

**Agenda Section:** Regular Agenda

**Division:** Administration Division

**Recommendation:** Vote to accept the Executive Director's performance evaluation. Provide comment and guidance as needed.

**Brief Summary:** As required in her employment agreement, the EPC Executive Director's performance is evaluated by the Commission annually. The evaluation forms for Ms. Lorton were provided and discussed during the Commission meeting in September. EPC staff also supplied the Commission with a self-evaluation packet. Subsequently, Commissioners filled out the evaluation forms and provided the forms individually to the Chair's office (see attached table). The Commission can discuss the Executive Director's performance and provide her guidance.

**Financial Impact:** No Financial Impact unless otherwise specified by the Commission.

**List of Attachments:** Compilation of Commissioners' FY2022 Executive Director Assessment Scores

**Background:** Pursuant to the Section IX of the Employment Agreement (as amended) between Janet Lorton and the EPC Commission, the Commission "shall review and evaluate the Executive Director at least annually during the month of October or the next regular meeting of the Commission after October." This is an annual opportunity to evaluate the performance of the Executive Director.

The Executive Director's evaluation criteria are linked to goals that the Commission establishes annually. The Executive Director's goals are provided quarterly as part of the agenda backup. Many of those goals were highlighted in the 2022 EPC Annual Report presented by Ms. Lorton to the Commission in September. The assessment ranking criteria and blank evaluation forms were provided to each Commissioner in their agenda packet and the evaluation process was presented at the same Commission meeting.

EPC staff provided the Commission with Ms. Lorton's self-evaluation packet to further assist in the Commission's review of her performance. Each Commissioner had the opportunity to individually provide their scores on the evaluation forms and return them to the Chair's office. EPC staff compiled all the provided scores on the attached table. The Commission will have an opportunity at this meeting to discuss the Executive Director's performance and provide any evaluation and guidance.

Section III of the Employment Agreement (4th Modification) explains that the Commission shall consider additional salary or benefit increases as it may deem appropriate no later than sixty (60) days after completion of the evaluation. If the Commission takes no action within 60 days of the evaluation, Ms. Lorton will receive the same wage increases as other unclassified managerial employees as approved by the BOCC budget process. This year, a 3% increase was approved by the BOCC. Ms. Lorton's employment agreement is effective through December 31, 2025.

**JANET D. LORTON**  
**EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION**  
**FY2022 ASSESSMENT**

<b>BEHAVIORS</b>								
	Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization
Cohen	5	5	5	5	5	5	5	5
Hagan	5	5	5	5	5	5	5	5
Kemp	5	5	5	5	5	5	5	5
Myers	5	5	5	5	5	5	5	5
Overman	5	5	5	5	5	5	5	5
Smith	5	5	5	5	5	5	5	5
White	5	5	5	5	5	5	5	5
Average	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0

<b>ACCOMPLISHMENT OF GOALS</b>					
	Environmental Protection Excellence	Successful/ Engaged Workforce	Customer/Partner Focused Excellence	Fiscal Responsibility	Continuous Improvement
Cohen	5	5	5	5	4
Hagan	5	5	5	5	5
Kemp	5	5	5	5	5
Myers	5	5	5	5	5
Overman	5	5	5	5	5
Smith	5	5	5	5	5
White	5	5	5	5	5
Average	5.00	5.00	5.00	5.00	4.86

<b>PERFORMANCE MEASURES ON CORE FUNCTIONS</b>						
	Timely Delegated State Permitting Processing	Timely Port Authority Permitting Processing	Timely Local EPC Permitting Processing	Timely Compliance	Timely Complaint Investigations	Timely Enforcement Resolution
Cohen	5	5	5	5	5	5
Hagan	5	5	5	5	5	5
Kemp	5	5	5	5	5	5
Myers	5	5	5	5	5	5
Overman	5	5	5	5	5	5
Smith	5	5	5	5	5	5
White	5	5	5	5	5	5
Average	5.0	5.0	5.0	5.0	5.0	5.0



# 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.

BEHAVIORS							
Leadership	Communication	Responsiveness	Respectful & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization
5	5	5	5	5	5	5	5

ACCOMPLISHMENT OF GOALS				
Environmental Protection Excellence	Successful / Engaged Workforce	Customer/Partner Focused Excellence	Fiscal Responsibility	Continuous Improvement
5	5	5	5	4

PERFORMANCE MEASURES ON CORE FUNCTIONS					
Timely Delegated State Permit Processing	Timely Port Authority Permit Processing	Timely Local EPC Permit Processing	Timely Compliance	Timely Complaint Investigations	Timely Enforcement
5	5	5	5	5	5

Commissioner Name: Harry Cohen Date: 10/3/2022

Comments (optional):

*It is a pleasure to work with Ms. Lorton.*





# 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.

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BEHAVIORS							
Leadership	Communication	Responsiveness	Respectful & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization
5	5	5	5	5	5	5	5

ACCOMPLISHMENT OF GOALS				
Environmental Protection Excellence	Successful / Engaged Workforce	Customer/Partner Focused Excellence	Fiscal Responsibility	Continuous Improvement
5	5	5	5	5

PERFORMANCE MEASURES ON CORE FUNCTIONS					
Timely Delegated State Permit Processing	Timely Port Authority Permit Processing	Timely Local EPC Permit Processing	Timely Compliance	Timely Complaint Investigations	Timely Enforcement
5	5	5	5	5	5

Commissioner Name: Patricia King Date: 10/6/2022

Comments (optional):



# PERFORMANCE EVALUATION

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

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BEHAVIORS							
Leadership	Communication	Responsiveness	Respectful & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization
5	5	5	5	5	5	5	5

ACCOMPLISHMENT OF GOALS				
Environmental Protection Excellence	Successful / Engaged Workforce	Customer/Partner Focused Excellence	Fiscal Responsibility	Continuous Improvement
5	5	5	5	5

PERFORMANCE MEASURES ON CORE FUNCTIONS					
Timely Delegated State Permit Processing	Timely Port Authority Permit Processing	Timely Local EPC Permit Processing	Timely Compliance	Timely Complaint Investigations	Timely Enforcement
5	5	5	5	5	5

Commissioner Name: Janet Lorton

Date: 10/11/2022

Comments (optional):



# PERFORMANCE EVALUATION

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

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<b>BEHAVIORS</b>							
Leadership	Communication	Responsiveness	Respectful & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization
5	5	5	5	5	5	5	5

<b>ACCOMPLISHMENT OF GOALS</b>				
Environmental Protection Excellence	Successful / Engaged Workforce	Customer/Partner Focused Excellence	Fiscal Responsibility	Continuous Improvement
5	5	5	5	5

<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
5	5	5	5	5	5

Commissioner Name: Kimberly Overman Date: 10/13/2022

Comments (optional):





# 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.*

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<b>BEHAVIORS</b>							
Leadership	Communication	Responsiveness	Respectful & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization
5	5	5	5	5	5	5	5

<b>ACCOMPLISHMENT OF GOALS</b>				
Environmental Protection Excellence	Successful / Engaged Workforce	Customer/Partner Focused Excellence	Fiscal Responsibility	Continuous Improvement
5	5	5	5	5

<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
5	5	5	5	5	5

Commissioner Name: MARLENA SMITH

Date: October 11, 2022

Comments (optional):





# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 9.b.

**Date of EPC Meeting:** October 20, 2022

**Subject:** Revisions to the Employment Agreement of the Executive Director

**Agenda Section:** Regular Agenda

**Division:** Administration Division

**Recommendation:** Approve revisions to the Employment Agreement of the Executive Director and authorize the Chair to execute the approved revisions.

**Brief Summary:** EPC Administration and the Executive Director request approval of revisions to the Employment Agreement of the Executive Director to provide consistency and equity related to specific terms and conditions of employment. The proposed revisions include: (1) Converting to a Paid Time Off (PTO) model, which combines annual and sick leave and provides for 100% pay out upon separation; (2) Offering a Vacation Buy Back Program option to buy back up to 100 hours annually; (3) Providing for Compensation & Benefit Enhancements, not related to performance, similar to unclassified employees; (4) Increasing the Auto Allowance to \$500 monthly; and (5) Offering the option to have the Commission pay the cost of attending an event in the Executive Director's official capacity consistent with state law and Board of County Commissioners (BOCC) Policy.

**Financial Impact:** It is anticipated the estimated fiscal impact can be absorbed within the existing budget.

**List of Attachments:** None

### Background:

EPC Administration and the Executive Director, Janet Lorton, request the Commission approve revisions to the Employment Agreement of the Executive Director (Agreement) to provide consistency and equity related to specific terms and conditions of employment similar to those that the BOCC will consider on October 19, 2022, for the three contract employees (i.e. – County Administrator, County Attorney, and County Internal Auditor). The proposed revisions are as follows:

(1) Paid Time Off (PTO) - Effective October 24, 2022, the annual leave and sick leave already accrued will be combined into a new leave management system referenced as Paid Time Off (PTO). Upon termination of the employment agreement, the Executive Director shall be paid for all accrued and unused PTO (the Agreement currently provides for 100% of Annual and 50% of Sick).

(2) Vacation Buy Back Program Participation - It is recommended that the Agreement be modified to allow Executive Director the option to "buy back" up to 100 hours of PTO each year in compliance with County policy and consistent with employment agreement(s) provided to current or

former contract employee(s).

(3) Compensation & Benefit Enhancements - It is recommended that the Agreement be modified to allow the Executive Director to receive the same compensation increases and benefit enhancements not related to performance at the same time and in the same manner as available to all other unclassified managerial employees of the Commission (provided the increased compensation or benefit enhancements improves the compensation and benefits already set forth in the Employment Agreement). Compensation and benefit enhancements include but are not limited to Cost of Living Adjustment (COLA), Disaster Recovery Compensation, and Wellness Incentives.

(4) Auto Allowance Enhancement – The Executive Director receives a monthly automobile allowance of \$300 per month. It is requested that the automobile allowance be increased to \$500 per month. This amount is consistent with the County Administrator.

(5) Duties and Status - It is recommended that the Agreement be modified to allow the Executive Director to attend events in her official capacity, as may be expected, and elect to have the Commission pay for the cost of attendance, consistent with relevant state law and BOCC policy.

These modifications provide consistency and equity in the terms and conditions of the employment agreements for the BOCC contract employees and the Executive Director. Similar language found in prior employment agreements of former contract employees were considered in the development of these proposed modifications. It is anticipated that the estimated fiscal impact of these revisions can be absorbed within the existing budget.

EPC staff asks that the Commission approve the above-described revisions and authorize the EPC Chair to execute the revisions in a modified or restated agreement. The EPC staff is consulting with the County Attorney's Office to ensure language utilized for the revisions to the Agreement is consistent with the BOCC contract employees' agreements.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 9.c.

**Date of EPC Meeting:** October 20, 2022

**Subject:** Air Quality Concerns Regarding I-275 Expansion Update

**Agenda Section:** Regular Agenda

**Division:** Air Division

**Recommendation:** Informational Report

**Brief Summary:** On August 10, 2022, the Transportation Planning Organization (TPO) received public comment regarding potential air quality concerns related to the Florida Department of Transportation's (FDOT) expansion of Interstate 275, which lead to multiple presentations before the BOCC, EPC and TPO. At the EPC Commission meeting on September 15, 2022, EPC staff noted that EPC installed a temporary air monitor to collect lead pollution data near FDOT demolition and construction activities on I-275. EPC staff will present the results of the air quality monitoring related to the FDOT demolition that occurred at the end of September 2022.

**Financial Impact:** No Financial Impact

**List of Attachments:** None

### Background:

On August 10, 2022, the Transportation Planning Organization (TPO) received public comment regarding potential air quality concerns related to the Florida Department of Transportation's (FDOT) expansion of Interstate 275 in the City of Tampa. Commissioners asked EPC staff to follow up with an evaluation of an analysis provided by FDOT and a separate analysis provided by a citizen regarding potential pollutants associated with the construction project. The EPC staff presented to the Commissioners on August 18 and September 15, 2022, and to the BOCC on September 8, 2022. At the Commission meeting on September 15, 2022, EPC staff informed the Commissioners that EPC installed a temporary air monitor to collect airborne lead pollution data near FDOT demolition and construction activities on I-275. The monitor is located at the Seminole Heights Branch Library. The Commission voted to have EPC staff present the air quality data once monitoring was complete and if the monitoring showed compliance, the Commission would encourage the FDOT to continue to use BMPs (e.g. – water suppression). The air monitoring data is still being reviewed for quality assurance and quality control at the time of publication of the agenda. This report will present the outcome of the monitoring effort.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # 9.d.

**Date of EPC Meeting:** October 20, 2022

**Subject:** Small Quantity Generator/Hazardous Waste (SQG) Program

**Agenda Section:** Regular Agenda

**Division:** Waste Division

**Recommendation:** Informational Report

**Brief Summary:** Staff will provide an overview of the SQG Program.

**Financial Impact:** No Financial Impact

**List of Attachments:** None

**Background:** The Small Quantity Generator (SQG) Program, which is mandated by Florida statute, is required to be administered by each county and focuses on businesses that have the potential to generate hazardous waste. The State requires the SQG Program to identify all businesses in Hillsborough County with the potential to generate hazardous waste and notify them of their responsibilities with regards to waste management. The annual notification contains basic information about numerous topics, including hazardous and other categories of waste, disposal options, why it is important for businesses to comply with applicable rules, and the potential for penalties related to non-compliance. The presentation provides information on what the statute requires and how the program is administered by EPC staff.