

COMMISSION
Joshua Wostal, *Chair*
Harry Cohen, *Vice Chair*
Donna Cameron Cepeda
Ken Hagan
Pat Kemp
Gwendolyn “Gwen” W. Myers
Michael Owen



Executive Director
Janet D. Lorton

General Counsel
Ricardo Muratti

Meeting time
9:00 a.m.

COMMISSION AGENDA

April 20, 2023

Location
In Person attendance: 601 E. Kennedy Blvd., Tampa
BOCC Boardroom, County Center, 2nd 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** *(None)*
- 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 February 16, 2023 2
 - b. Monthly Activity Report FY2023 (February and March) 5
 - c. Pollution Recovery Fund (PRF) Budget FY2023 7
 - d. Legal Case Notification 9
 - e. Select Performance Measure Goals Quarterly Update 11
- 8. PUBLIC HEARING** *(None)*
- 9. REGULAR AGENDA**
 - a. Overview of Environmental Programs and Services 13
 - b. Legislative Update – 2023 Legislative Session 14
 - c. Red Tide Update 17
 - d. Petroleum Cleanup Program – Expansion of Services 18
 - 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. 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: April 20, 2023

Subject: Approval of the February 16, 2023, EPC meeting minutes.

Agenda Section: Consent Agenda

Division: Administration Division

Recommendation: Approve the February 16, 2023, EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on February 16, 2023.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the February 16, 2023, EPC meeting minutes.

Background: None

FEBRUARY 16, 2023 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, February 16, 2023, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

The following members were present: Chair Joshua Wostal and Commissioners Donna Cameron Cepeda, Harry Cohen, Ken Hagan, Pat Kemp, Gwen Myers, and Michael Owen.

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

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

2. ROLL CALL - ▶ **None.**

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 - **None.**

6. PUBLIC COMMENT

▶ EPC General Counsel Rick Muratti stated no one was present for public comment.

7. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of EPC Meeting Minutes for January 12, 2023
- b. Monthly Activity Report FY2023 (December and January)
- c. Pollution Recovery Fund Budget FY2023
- d. Select Performance Measure Goals 2022 Summary

▶ Chair Wostal sought a motion to approve the Consent Agenda. **Commissioner Kemp so moved, seconded by Commissioner Cohen, and carried seven to zero.**

8. PUBLIC HEARING - ▶ **None.**

THURSDAY, FEBRUARY 16, 2023

9. REGULAR AGENDA

a. EPC's Brownfields Program Presentation

▶ Ms. Allison Amram, Director, EPC, shared a presentation. ▶ Commissioner Owen questioned brownfields designation being used due to bad investments/contamination. Commissioner Kemp asked about contaminated property and the impact for new owners being eligible for incentives. Commissioner Owen inquired if new owners were notified the property was designated a brownfields area.

b. Yard Trash Processing Facility Permitting and Compliance Presentation

▶ Mr. Ronald Cook, EPC, gave an overview of the item. Talks occurred.

c. Executive Director's Report

▶ Ms. Lorton addressed future meetings and supplied a report.

10. DISCUSSION OF FUTURE AGENDA ITEMS

▶ Commissioner Owen encouraged fellow commissioners to join EPC staff on the boat ride.

ADJOURN

▶ There being no further business, the meeting was adjourned at 9:48 a.m.

READ AND APPROVED: _____
CHAIR

ATTEST:
CINDY STUART, CLERK

By: _____
Deputy Clerk

ad



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.b.

Date of EPC Meeting: April 20, 2023

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 February and March FY23

Background: Select data that is associated with the EPC's five core functions; citizen support, air and water 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

FY23

		<u>February</u>	<u>March</u>	<u>FISCAL YEAR TO DATE</u>
A.	<u>Core Function: Citizen Support</u>			
1	Environmental Complaints Received	124	140	723
2	Agency-wide Public Record Requests (Note: does not include division-specific record requests)	24	22	130
B.	<u>Core Function: Air & Water Monitoring</u>			
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	96.3%	97.4%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.9%	99.1%	N/A
3	Number of Noise Monitoring Events	4	4	16
C.	<u>Core Function: Environmental Permitting</u>			
1	Permit/Authorization Applications Received	145	161	878
2	Applications In-house >180 days	60	56	N/A
3	Permits/Authorizations Issued	140	122	824
4	Petroleum Cleanup Cases	81	87	505
D.	<u>Core Function: Compliance Assurance</u>			
1	Compliance Inspections	369	426	2075
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	128	178	804
3	Compliance Assistance Letters Issued	161	181	958
4	Warning Notices Issued	20	14	106
E.	<u>Core Function: Enforcement</u>			
1	New Cases Initiated	4	6	23
2	Active Cases	80	82	N/A
3	Tracking Cases	43	44	N/A



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item #7.c.

Date of EPC Meeting: April 20, 2023

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 23 POLLUTION RECOVERY FUND
10/1/2022 through 3/31/2023**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 1,136,503	Artificial Reef	\$ 33,852	Minimum Balance	\$ 120,000	
Interest	\$ 9,450	Open Projects	\$ 345,259	Est. FY 24 Budget	\$ 33,852	
Deposits	\$ 200,310			Asbestos Removal	\$ 5,000	
Total	\$ 1,346,263	Total	\$ 379,111	Total	\$ 158,852	\$ 808,300

PROJECT		Project Amount	Project Balance
FY21 Projects			
TBW 2D Island Living Shoreline	10131.102063.582990.5370.1350	\$ 49,560	\$ 30,541
UNF Multidrug Resistant Bacteria	10131.102063.581990.5370.1353	\$ 50,000	\$ 33,830
USF Fecal Source Detection	10131.102063.581990.5370.1355	\$ 50,000	\$ 13,322
ERI MacDill AFB Saltern Restoration	10131.102063.582990.5370.1356	\$ 37,000	\$ 21,950
UF/IFAS Florida Friendly Landscaping	10131.102063.581990.5370.1358	\$ 8,600	\$ 8,600
		\$ 195,160	\$ 108,243
FY22 Projects			
DOH/EPC Radon Study	10131.102063.534990.5370.1359	\$ 20,860	\$ 10,630
DOH/EPC Radon Study	10131.102063.552001.5370.1359	\$ 14,000	\$ 8,198
Heckman Petro. Assess.	10131.102063.531001.5370.1297	\$ 15,000	\$ 15,000
		\$ 49,860	\$ 33,828



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.d.

Date of EPC Meeting: April 20, 2023

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
23-EPC-001	01/12/23	Civil Complaint	EPC v. AM Properties Tampa, LLC	Waste
23-EPC-002	04/02/23	Administrative	M. Yockey v. EPC	Wetlands



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.e.

Date of EPC Meeting: April 20, 2023

Subject: Select Performance Measure Goals for 2023

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 2023. These are tabulated and periodically presented to the Commission in the consent agenda.

Financial Impact: No Financial Impact

List of Attachments: Table Titled 2023 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.

2023 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2020	2021	2022	2023 (1st Qtr)	2023 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	28 days	23 days	27 days	28 days	Less Than or Equal to 30 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	56 days	58 days	47 days	70 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	36 days	34 days	31 days	33 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	97%	93%	97%	98%	Greater Than or Equal to 95%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	96% in 3 Days	97% in 3 Days	99% in 3 Days	99% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	98%	98%	98%	100%	Greater Than or Equal to 90%



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.a.

Date of EPC Meeting: April 20, 2023

Subject: Overview of Air and Water Division Environmental Programs and Services

Agenda Section: Regular Agenda

Division: Water Division

Recommendation: Informational Report

Brief Summary: At the request of Commissioner Myers, staff will present the Commission with an overview of the Air and Water Division's environmental programs and services that are provided for the citizens of Hillsborough County.

Financial Impact: No Financial Impact

List of Attachments: None

Background:

At the EPC Commission meeting held on January 12, 2023, Commissioner Myers asked EPC staff to bring back educational presentations about the EPC's programs and services. Staff will present the Commission with an overview of the Air and Water Division's environmental programs, which serve to protect Hillsborough County's natural resources, and the services that are provided for the citizens of Hillsborough County. An overview of the Waste and Wetlands Division's environmental programs and services will be presented at the next regularly scheduled Commission meeting.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.b.

Date of EPC Meeting: April 20, 2023

Subject: Legislative Update on Environmental and Administrative Bills

Agenda Section: Regular Agenda

Division: Legal Department

Recommendation: Informational Report

Brief Summary: The regular session of the Florida Legislature convened on March 7, 2023. EPC staff will provide updates on various environmental and administrative bills that may impact the EPC or may be of interest to the EPC.

Financial Impact: No Financial Impact

List of Attachments: None

Background: The regular session of the Florida Legislature convened on March 7, 2023, and will adjourn on May 5, 2023. The Commission approved a legislative strategy (EPC Policy No. 2007-02) on March 15, 2007, that gives staff and the Chair continuing direction to monitor, comment on, and lobby, among other things, bills that impact the functions of the EPC. Annually, EPC staff reviews environmental and administrative bills to determine if they may impact the EPC's functions and budget. Although EPC tracks numerous bills, included below is a summary of just a few notable bills regarding environmental regulation or administrative matters that may impact EPC functions or may be of interest:

Mangrove Planting and Restoration

SB 100 / HB 561

Sponsored by Senator Garcia and by Representatives Mooney and Basabe

These identical bills direct the Florida Department of Environmental Protection to adopt rules for mangrove replanting and restoration with specific criteria the rules would need to include such as addressing significant erosion, protection of barrier and spoil islands, promote public awareness of mangrove importance, and identification of vulnerable properties along the coastline which may be ripe for local government partnerships. Senate Bill 100 has passed one committee while House Bill 561 has not been heard by any committees.

Local Ordinances

SB 170 / HB 1515

Sponsored by Senator Trumbull and Representative Brackett

This bill would require local governments to create a business impact estimate explaining the direct economic impact of the proposed ordinance on private for-profit businesses prior to adopting an ordinance. After adoption and upon challenge, enforcement of the ordinance would be suspended if the challenge meets certain criteria. The prevailing party may be awarded attorney's fees if the law is determined to be arbitrary or unreasonable. Among other things, these bills would affect local government rulemaking procedures, but does include certain exemptions such as for

ordinances relating to emergencies, procurement, growth policy, land development regulations (zoning, development orders, permits, etc.), adoption of budgets, and ordinances proposed to comply with federal or state law. Important to note is that the proposed amendments are prospective in nature and apply only to ordinances adopted on or after October 1, 2023. Senate Bill 170 has passed the Senate and is in House messages. House Bill 1515 has passed all three assigned committees.

Management and Storage of Surface Waters

HB 371 / SB 910

Sponsored by Representative Killebrew and Senator Burton

These proposed bills create a new Noticed Exemption framework for certain environmental habitat creation, restoration, and enhancement activities and water quality improvements located on classified agricultural lands and government-owned lands. The exempt activities must result in a “net increase in wetlands resource functions.” Senate Bill 910 has been heard favorably by one committee.

Sovereign Immunity

HB 401 / SB 604

Sponsored by Representative Beltran and Senator Gruters

Both bills propose to increase statutory limits on liability for tort claims against the State and its agencies and subdivisions from \$200,000/\$300,000 per incident to \$2,500,000/5,000,000 per incident, respectively. Further, House Bill 401 1) removes the requirement for local governments to seek a claim bill prior to accepting a settlement, 2) increases the statute of limitations for filing a claim from three years to four years after the claim accrues and 3) reduces from six months to three months the general pre-suit statutory time period for a government entity to review and dispose of a claim. Conversely, Senate Bill 604 would require the Department of Financial Services to adjust the limitations on tort liability every year. Senate Bill 604 has not been heard by any of its assigned committees and House Bill 401 has been passed by one of three committees.

Recycling of Covered Electronic Devices

HB 691 / SB 1032

Sponsored by Representative Basabe and Senators Trumbull and Stewart

These similar bills would require by January 1, 2025, that each county submit to FDEP a plan for ensuring the county will appropriately dispose of covered electronic devices at a permitted reclamation facility. Effective January 1, 2026, any person who owns or operates an industrial, institutional, or commercial facility must dispose of that facility’s covered electronic devices in a permitted reclamation facility. Effective January 1, 2028, it will be unlawful for any person to dispose of covered electronic devices in this state except at a permitted reclamation facility. Each bill has been heard by one committee.

Floating Vessel Platforms and Floating Boat Lifts

HB 847 / SB 1082

Sponsored by Representative Stark and Senator DiCeglie

These identical bills update 403.813 regarding floating vessel platforms to create a presumption of compliance to minimize adverse environmental impacts if FVP is associated with an existing dock. Redefines “local government” to include those operating under 403.182. House Bill 847 has passed one of three committees with committee substitute and Senate Bill 604 has passed two of three committees.

Dangerous Tree Preemption

SB 886

Sponsored by Senator Stewart

Senate Bill 886 proposes to repeal the tree preemption law, Section 163.045, F.S., that was enacted in 2019. This bill has not been heard by any committees and will likely not pass this session, primarily because in last year’s legislative session, the law was clarified to address concerns from regulatory agencies. Repeal of this law would expand EPC’s regulatory authority back to pre-2019 status for the removal of hazardous trees within wetlands.

Land and Water Management

HB 1197 / SB 1240

Sponsored by Representative Maggard and Senator Burgess

The identical bills propose to prohibit counties and municipalities from adopting laws, regulations, rules, or policies relating to water quality or quantity, pollution control, discharge prevention or removal, or wetlands and preempts such regulation to the State. Further, the bills require FDEP to notify Florida's Chief Financial Officer of certain violations which would require the CFO to withhold certain funds from the county or municipality found in violation of the statute. Neither bill has been heard by their assigned committees.

Organic Material Products

HB 1361 / SB 1472

Sponsored by Representative Truenow and Senator Bradley

The comparable bills both propose amendments to Section 823.14, F.S. which is Florida's Right to Farm Act. Specifically, they both define what "organic material" is and include organic material within other applicable definitions for consistency in application of the section. Where these bills diverge is Senate Bill 1472 includes language that creates a de facto determination that a facility which collects, stores, processes, or distributes organic material products is deemed a bona fide farm operation and the lands associated with such facility as agriculture. If this language is approved, EPC may be limited in regulating certain facilities located on classified agricultural property that meet this proposed criteria. Currently House Bill 1361 has removed the "de facto" bona fide farm operation after committee review and Senate Bill 1472 has passed one committee with no revision.

In the event the Commission or the Executive Director propose a letter of support or opposition for any of these or other pending bills, staff will work with the Chair to issue it.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.c.

Date of EPC Meeting: April 20, 2023

Subject: Red Tide Update

Agenda Section: Regular Agenda

Division: Water Division

Recommendation: Informational Report

Brief Summary: Staff will provide the Commission with a brief update on the status of the 2023 red tide event in Tampa Bay.

Financial Impact: No Financial Impact

List of Attachments: None

Background: EPC staff have been monitoring the status of this year's red tide event and will be providing a brief update of our results.

Red tide is a type of harmful algal bloom (HAB) involving high concentrations of a microscopic alga (plant-like organism). In Florida and the Gulf of Mexico, the species that causes most red tides is *Karenia brevis*. Red tide is caused by microscopic algae that produce toxins that kill fish and make shellfish dangerous to eat. The toxins may also make the surrounding air difficult to breathe. It is a natural event that has been documented for hundreds of years. Staff will give an update as to the status of the red tide event occurring this year.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.d.

Date of EPC Meeting: April 20, 2023

Subject: Petroleum Cleanup Program - Expansion of Services

Agenda Section: Regular Agenda

Division: Waste Division

Recommendation: Approve three new site manager positions for EPC's Petroleum Cleanup Department

Brief Summary: The EPC's Petroleum Cleanup Department administers the Petroleum Restoration Program in Hillsborough County under a contract with the Florida Department of Environmental Protection. There will be approximately 150 additional sites added to the contract beginning July 1, 2023. Three new site manager positions are required due to the substantial increase in workload.

Financial Impact: No additional funds required. Funding provided under contract with FDEP.

List of Attachments: None

Background: The EPC's Petroleum Cleanup Department administers the Petroleum Restoration Program (PRP) in Hillsborough County under a contract with the Florida Department of Environmental Protection (FDEP). Our program protects groundwater resources, which is critical in Florida as over 95% of our drinking water comes from the groundwater. The FDEP contract provides full funding for staff in this program.

EPC site managers provide the technical oversight and administrative activities necessary to prioritize, assess, and clean-up sites contaminated by discharges of petroleum products. Our site managers have diverse backgrounds in engineering, geology, and environmental science.

Most petroleum contaminated sites have been determined eligible for state-funded cleanup. Funding for the statewide Petroleum Restoration Program is provided through the Inland Protection Trust Fund. The fund was established in 1986 and requires an excise tax on each barrel of petroleum produced or imported into the state.

State funded sites are assigned a priority score establishing their 'place in line' for cleanup due to limited funding. The priority score is a number that represents the relative threat the discharge poses to potential receptors such as public or private drinking water wells. The higher the score, the greater the potential threat, with 1 being the least risk and 100 being the highest risk.

There are currently eleven staff members in EPC's Petroleum Cleanup Department, and three vacant positions currently being recruited based upon the anticipated upcoming increase in workload. Each site

manager is responsible for the technical, fiscal, and administrative project management of at least 25 sites in different phases of cleanup. The current 2022-2023 fiscal year contract is to actively manage 326 sites.

In January 2023, FDEP lowered the priority score threshold to encompass all sites scored 10 or higher. Additionally, the FDEP recognizes the value of local programs managing these sites and plans on transferring sites currently managed by privatized teams to the local programs. Therefore, EPC will be expected to work on approximately 150 additional sites beginning July 1, 2023. To continue to meet our contract obligations, an increase in staffing is required. It is requested that the Commission approves three additional full time site managers in EPC's Petroleum Cleanup Department that will only be recruited if the FDEP contract for the 2023-2024 fiscal year fully funds the positions.