

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

Location

In Person attendance: 601 E. Kennedy Blvd., Tampa
BOCC Boardroom, County Center, 2nd Floor
Virtual attendance: see details below

Meeting time

2:00 p.m.

COMMISSION AGENDA

June 15, 2023

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

2. ROLL CALL

3. CHANGES TO THE AGENDA

4. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, or SEPARATE VOTE

5. RECOGNITIONS and PROCLAMATIONS

- a. Recognition of the EPC’s 2023 Scholastic Environmental Merit Award Winner, Lydia Linares, for her science fair project related to microplastics and algae.

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 May 18, 2023 Regular Meeting Minutes 2
- b. Monthly Activity Report FY2023 (May) 6
- c. Pollution Recovery Fund (PRF) Budget FY2023 8
- d. Legal Case Notification 10

8. PUBLIC HEARING (None)

9. REGULAR AGENDA

- a. Overview of Air Division Environmental Program and Services 12
- b. Overview of Waste Division Environmental Program and Services 13
- c. Executive Director’s Report

10. DISCUSSION OF FUTURE AGENDA ITEMS

ADJOURN

Any person who might wish to appeal any decision made by the EPC regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

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: June 15, 2023

Subject: Approval of the May 18, 2023, EPC meeting minutes.

Agenda Section: Consent Agenda

Division: Administration Division

Recommendation: Approve the May 18, 2023, EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on May 18, 2023.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the May 18, 2023, EPC meeting minutes.

Background: None

MAY 18, 2023 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, May 18, 2023, at 2:00 p.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 (via telephone), and Michael Owen.

The following members were absent: Commissioners Pat Kemp and Gwen Myers.

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

▶ Chair Wostal called the meeting to order at 2:00 p.m. ▶ Commissioner Cameron Cepeda led in the pledge of allegiance to the flag and gave the invocation.

2. ROLL CALL

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

3. CHANGES TO THE AGENDA

▶ Ms. Janet Lorton, EPC Executive Director, reviewed the changes. ▶ Chair Wostal sought a motion for approval. **Commissioner Cohen moved changes, seconded by Commissioner Cameron Cepeda, and carried five to zero.** (Commissioners Kemp and Myers were absent.)

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

5. RECOGNITIONS AND PROCLAMATIONS

a. Recognition and farewell to Madlein Mishriki, Air Division.

▶ Ms. Lorton spoke on the item. Comments ensued.

b. Recognition and farewell to Michael Thompson, Wetlands Division.

▶ Ms. Lorton recognized Mr. Thompson, who made remarks.

6. PUBLIC COMMENT - ▶ **None.**

THURSDAY, MAY 18, 2023

7. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of April 5, 2023, Special Meeting and April 20, 2023, Regular Meeting Minutes
- b. Monthly Activity Report Fiscal Year (FY) 2023 (April)
- c. Pollution Recovery Fund Budget FY 2023
- d. Legal Case Notification
- e. Request for Authority to take appropriate legal action against Misho Investments LCC - **Deleted.**

► Chair Wostal sought a motion to approve the Consent Agenda minus Item 7.e. **Commissioner Owen so moved, seconded by Commissioner Cohen, and carried five to zero.** (Commissioners Kemp and Myers were absent.)

8. PUBLIC HEARING

- a. Conduct a public hearing to consider proposed amendments to the Administrative Procedures Rule (Chapter 1-2, Rules of the EPC)

► EPC General Counsel Rick Muratti introduced Senior Attorney Andrew Zodrow, EPC, who elaborated on the amendments. Subsequent to remarks, ► **Commissioner Owen moved to adopt those amendments, seconded by Commissioner Cohen.** Chair Wostal called for public comment; there was no response. ► **The motion carried five to zero.** (Commissioners Kemp and Myers were absent.)

9. REGULAR AGENDA

- a. Overview of Air Division Environmental Program and Services

Deferred to the June 15, 2023, EPC meeting.

- b. Ozone in Hillsborough County Presentation

► Mr. Jason Waters, EPC, expounded on the presentation. ► Commissioner Cohen asked about the causes for the County's downward ozone data trajectory and comparisons with the Los Angeles data.

- c. Legislative Update on Environmental and Administrative Bills - 2023 Legislative Session

► Attorney Muratti provided the update.

THURSDAY, MAY 18, 2023

d. Executive Director's Report

▶ Ms. Lorton expounded on the report.

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

ADJOURN

▶ There being no further business, the meeting was adjourned at 3:02 p.m.

READ AND APPROVED: _____

CHAIR

ATTEST:

CINDY STUART, CLERK

By: _____
Deputy Clerk

jh

DRAFT



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.b.

Date of EPC Meeting: June 15, 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 May 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>May</u>	<u>FISCAL YEAR TO DATE</u>
A.	<u>Core Function: Citizen Support</u>		
1	Environmental Complaints Received	116	965
2	Agency-wide Public Record Request (Note: does not include division-specific record requests)	14	174
B.	<u>Core Function: Air & Water Monitoring</u>		
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	94.8%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.4%	N/A
3	Number of Noise Monitoring Events	0	18
C.	<u>Core Function: Environmental Permitting</u>		
1	Permit/Authorization Applications Received	143	1179
2	Applications In-house >180 days	54	N/A
3	Permits/Authorizations Issued	105	1044
4	Petroleum Cleanup Cases	87	660
D.	<u>Core Function: Compliance Assurance</u>		
1	Compliance Inspections	407	2876
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	97	982
3	Compliance Assistance Letters Issued	158	1267
4	Warning Notices Issued	24	154
E.	<u>Core Function: Enforcement</u>		
1	New Cases Initiated	5	36
2	Active Cases	72	N/A
3	Tracking Cases	55	N/A



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item #7.c.

Date of EPC Meeting: June 15, 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 5/31/2023**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 1,136,503	Artificial Reef	\$ 33,852	Minimum Balance	\$ 120,000	
Interest	\$ 15,026	Open Projects	\$ 345,259	Est. FY 24 Budget	\$ 33,852	
Deposits	\$ 261,356			Asbestos Removal	\$ 5,000	
Total	\$ 1,412,885	Total	\$ 379,111	Total	\$ 158,852	\$ 874,922

PROJECT		Project Amount	Project Balance
FY21 Projects			
TBW 2D Island Living Shoreline	10131.102063.582990.5370.1350	\$ 49,560	\$ 16,699.95
UNF Multidrug Resistant Bacteria	10131.102063.581990.5370.1353	\$ 50,000	\$ 33,830.49
USF Fecal Source Detection	10131.102063.581990.5370.1355	\$ 50,000	\$ 13,321.58
ERI MacDill AFB Saltern Restoration	10131.102063.582990.5370.1356	\$ 37,000	\$ 17,650.00
UF/IFAS Florida Friendly Landscaping	10131.102063.581990.5370.1358	\$ 8,600	\$ 8,600.00
		\$ 195,160	\$ 90,102.02
FY22 Projects			
DOH/EPC Radon Study	10131.102063.534990.5370.1359	\$ 20,860	\$ 5,515.00
DOH/EPC Radon Study	10131.102063.552001.5370.1359	\$ 14,000	\$ 8,197.07
Heckman Petro. Assess.	10131.102063.531001.5370.1297	\$ 15,000	\$ 15,000.00
		\$ 49,860	\$ 28,712.07



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.d.

Date of EPC Meeting: June 15, 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-004	05-11-23	Administrative	Kevin Shelton, individually, and Kevin Shelton as Trustee v. EPC	Wetlands



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.a.

Date of EPC Meeting: June 15, 2023

Subject: Overview of Air Division Environmental Program and Services

Agenda Section: Regular Agenda

Division: Air Division

Recommendation: Informational Report

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

Financial Impact: No Financial Impact

List of Attachments: None

Background: Staff will present the Commission with an overview of the Air Division environmental programs. The Air Division is responsible for protecting the environment and the health and safety of the public as they relate to air quality. We regulate various sources of air pollution to ensure local, state, and federal rules and regulations are followed. Air pollution sources include, but are not limited to industrial and commercial facilities, such as power plants, petroleum storage terminals, manufacturing, material handling facilities, and dry cleaners, among others. Other activities that generate noise, dust, or involve asbestos and open burning are also regulated. We permit and monitor pollution sources, investigate citizen complaints, and collect and analyze air quality data using special sampling equipment located throughout Hillsborough County.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.b.

Date of EPC Meeting: June 15, 2023

Subject: Overview of Waste Division Environmental Program and Services

Agenda Section: Regular Agenda

Division: Waste Division

Recommendation: Informational Report

Brief Summary: At the request of Commissioner Myers, staff will present the Commission with an overview of the Waste Division's Environmental Programs and Services that are provided to the citizens of Hillsborough County.

Financial Impact: No Financial Impact

List of Attachments: None

Background: Staff will present the Commission with an overview of the Waste Division's environmental programs. The Waste Division is responsible for protecting the environment and the health and safety of the public as they relate to soil and groundwater quality. We have several programs that prevent contamination and waste going into the environment, as well as programs to address the cleanup of existing contamination to ensure local, state, and federal rules and regulations are followed. Some of these programs include delegation from the Florida Department of Environmental Protection and contracts that fund the programs. We perform routine compliance inspections through several programs at many different types of facilities to ensure they are not polluting the soil and groundwater, manage the cleanup of contaminated properties, issue Director's Authorizations in our permitting process, and respond to citizen complaints throughout Hillsborough County. Often once contamination on properties is cleaned up, the value of the property significantly increases and the community benefits from the new use of the property.