

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
October 19, 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 *(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:*

<https://www.epchc.org/about/meetings-agendas>

7. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

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| a. Approval of September 21, 2023, Regular EPC Meeting Minutes..... | 2 |
| b. Monthly Activity Report FY2023 (September)..... | 7 |
| c. Pollution Recovery Fund (PRF) Budget FY2023..... | 9 |
| d. Select Performance Measure Goals for 2023 | 11 |

8. PUBLIC HEARING

| | |
|---|----|
| a. Conduct a Public Hearing to consider proposed amendments to the EPC’s Noise Pollution Rule, Chapter 1-10, Rules of the EPC | 13 |
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9. REGULAR AGENDA

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|--|----|
| a. 2023 Pollution Recovery Fund Grant Applications and Funding Requests..... | 23 |
| b. 2023 Executive Director Annual Report..... | 27 |
| c. Performance Evaluation of the Executive Director | 28 |
| 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. 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 19, 2023

Subject: Approval of the September 21, 2023, EPC meeting minutes.

Agenda Section: Consent Agenda

Division: Administration Division

Recommendation: Approve the September 21, 2023, EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on September 21, 2023.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the September 21, 2023, EPC meeting minutes.

Background: None

SEPTEMBER 21, 2023 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting and Public Hearing, scheduled for Thursday, September 21, 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, Pat Kemp (arrived at 2:02 p.m.), Gwen Myers, and Michael Owen.

The following member was absent: Commissioner Ken Hagan.

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, stated there were no changes to the agenda.

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

▶ Ms. Lorton indicated there were no items removed from Consent.

5. RECOGNITIONS AND PROCLAMATIONS

- a. Recognition and farewell to retiring employees Lora Woodard (Water) and Sterlin Woodard (Air)

▶ Ms. Lorton recognized Ms. Woodard and Mr. Woodard. Dialogue ensued.

6. PUBLIC COMMENT

▶ Ms. Barbara Walker spoke on concerns regarding sand hill cranes.

7. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of June 15, 2023, Regular EPC Meeting Minutes
- b. Monthly Activity Report Fiscal Year (FY) 2023 (June, July, August)
- c. Pollution Recovery Fund Budget FY 2023
- d. Legal Case Notification

▶ Chair Wostal sought a motion. **Commissioner Cohen so moved, seconded by Commissioner Kemp, and carried six to zero.** (Commissioner Hagan was absent.)

8. PUBLIC HEARING

- a. Conduct a Public Hearing to consider proposed amendments to the EPCS's Waste Management Rule, Chapter 1-7, Rules of the EPC

▶ EPC General Counsel Rick Muratti deferred to Ms. Lorton and Mr. Ronald Cope, EPC, who expounded on the item. Chair Wostal called for public comment; there was no response. ▶ **Commissioner Kemp moved for approval, seconded by Commissioner Cohen, and carried six to zero.** (Commissioner Hagan was absent.)

- b. Conduct a Public Hearing to consider proposed amendments to the EPC's Noise Pollution Rule, Chapter 1-10, Rules of the EPC

▶ Mr. Jeffrey Sims, EPC, provided an overview of the item. Chair Wostal called for public comment. ▶ Messrs. Jeremy Korch and ▶ Jason Battelle opposed the amendment. ▶ Attorney Lance Fuchs, Florida State Fair Authority, supported the item. ▶ Messrs. Matthew Sienk and ▶ Brian Seel, spoke against the amendment and on the lack of public notice. ▶ Senior Assistant City Attorney Susan Johnson-Velez, City of Tampa (Tampa), voiced concerns on the revisions to the EPC noise pollution rules/maps. ▶ Commissioner Owen queried about the conflicting boundaries with Tampa, the difference in standards, and the complaint process. Discussion ensued on Tampa/County noise issues, Tampa noise ordinance history, County zonings, and giving the EPC more time to better align with Tampa's noise ordinances. ▶ Commissioner Myers requested Tampa work with the EPC/County and asked about Tampa using special event permits. Ms. Lorton responded to

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Commissioner Owen regarding the Interstate (I) 275 map. ► Commissioner Owen moved for approval on the item with the I-275 concession, seconded by Commissioner Cameron-Cepeda. (The motion was not voted on.) Chair Wostal opined on the challenges surrounding noise ordinance enforcement. After dialogue, ► Commissioner Cohen moved a substitute motion to pass the portion of the item that dealt with everything other than the boundaries related to the, what was now, the combined downtown Ybor City district and would like to suggest was that A., the EPC move forward with the new map that Ms. Lorton described today, that set the boundary at I-275, that the EPC work with the Tampa to get their thoughts on those boundaries, as well as the Tampa Heights neighborhood, which deserved an additional right to weigh in here, but then also that Tampa work to develop some standards related to special event permits that the EPC could even talk about in the EPC meeting when the EPC considered the item fully; would suggest that the EPC only delay the item for a month or two at the absolute most in order for the parties to come together, and if the parties could not come together, then the EPC Board could make a final decision, seconded by Commissioner Kemp. Chair Wostal sought confirmation the date was for October 19, 2023. ► Commissioner Cohen agreed, seconded by Commissioner Kemp. Ms. Lorton inquired if the motion was to pass all the other rules, clarifications, definitions, and the EPC would come back to talk about the map on October 19, 2023. ► Commissioner Cohen confirmed just the recommended map; the EPC Board was passing Midtown part and the EPC Board was passing the rest of the ordinances. In response to Commissioner Owen, ► Commissioner Cohen stated the motion was asking that Tampa work with the EPC, seconded by Commissioner Kemp. Discussion continued. ► The substitute motion carried five to one; Commissioner Owen voted no. (Commissioner Hagan was absent.)

9. REGULAR AGENDA

- a. Conduct a Final Order Hearing in James Anderson v. Joel Juren and EPC, Case No. 22-EPC-015

► Attorney Muratti explained the item process. ► Attorney Jane Graham, representing Mr. Anderson, and Mr. Juren provided testimony. ► Attorney Beth Le, EPC, suggested the EPC Board adopt the hearing officer recommendation. ► Commissioner Muratti endorsed the EPC upholding the hearing officer's recommendation with changes to Finding of Fact 3, to correct a folio number for Mr. Anderson's property, and Conclusion of Law

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26, to append only raising proper issues that were in the appeal. After clarification on EPC provisions and habitat definitions, ► **Commissioner Owen moved to affirm the recommended order with changes to Finding of Fact 3 as to the folio, and as to the Conclusion of Law 26, consistent with the recommendations made by Attorney Muratti, seconded by Commissioner Myers, and carried six to zero.** (Commissioner Hagan was absent.)

b. 2023 EPC Annual Report

► Ms. Lorton offered to move Items 9.b. and 9.d. to the October 2023 EPC meeting. ► **Commissioner Myers moved for approval, seconded by Commissioner Owen, and carried six to zero.** (Commissioner Hagan was absent.)

c. Executive Director Annual Evaluation Process

► Ms. Elaine Deleeuw, Director, EPC, spoke on the item.

d. Executive Director's Report

► **Action taken with 9.b.**

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

ADJOURN

► There being no further business, the meeting was adjourned at 4:18 p.m.

READ AND APPROVED: _____
CHAIR

ATTEST:
CINDY STUART, CLERK

By: _____
Deputy Clerk

ms



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.b.

Date of EPC Meeting: October 19, 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 September 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>September</u> | <u>FISCAL YEAR TO DATE</u> |
|-----------|---|------------------|--------------------------------|
| A. | <u>Core Function: Citizen Support</u> | | |
| 1 | Environmental Complaints Received | 98 | 1374 |
| 2 | Agency-wide Public Record Request (Note: does not include division-specific record requests) | 20 | 238 |
| B. | <u>Core Function: Air & Water Monitoring</u> | | |
| 1 | Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay) | 94.7% | 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 | 5 | 28 |
| C. | <u>Core Function: Environmental Permitting</u> | | |
| 1 | Permit/Authorization Applications Received | 140 | 1751 |
| 2 | Applications In-house >180 days | 23 | N/A |
| 3 | Permits/Authorizations Issued | 126 | 1561 |
| 4 | Petroleum Cleanup Cases | 113 | 1094 |
| D. | <u>Core Function: Compliance Assurance</u> | | |
| 1 | Compliance Inspections | 356 | 4273 |
| 2 | Compliance Test Reviews (NOTE: Wetlands reviews included under D.1) | 116 | 1472 |
| 3 | Compliance Assistance Letters Issued | 204 | 1922 |
| 4 | Warning Notices Issued | 17 | 218 |
| E. | <u>Core Function: Enforcement</u> | | |
| 1 | New Cases Initiated | 1 | 60 |
| 2 | Active Cases | 60 | N/A |
| 3 | Tracking Cases | 60 | N/A |



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.c.

Date of EPC Meeting: October 19, 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 9/30/2023**

| REVENUE | | EXPENDITURES | | RESERVES | | NET PRF |
|-------------------|--------------|-----------------|------------|-------------------|------------|--------------|
| Beginning Balance | \$ 1,136,503 | Artificial Reef | \$ 33,852 | Minimum Balance | \$ 120,000 | |
| Interest | \$ 28,991 | Open Projects | \$ 345,259 | Est. FY 24 Budget | \$ 33,852 | |
| Deposits | \$ 407,335 | | | Asbestos Removal | \$ 5,000 | |
| Total | \$ 1,572,829 | Total | \$ 379,111 | Total | \$ 158,852 | \$ 1,034,866 |

| 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 | \$ 400.00 |
| DOH/EPC Radon Study | 10131.102063.552001.5370.1359 | \$ 14,000 | \$ 7,320.39 |
| Heckman Petro. Assess. | 10131.102063.531001.5370.1297 | \$ 15,000 | \$ 15,000.00 |
| | | \$ 49,860 | \$ 22,720.39 |



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 7.d.

Date of EPC Meeting: October 19, 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 (3 rd Qtr) | 2023 Goal |
|--------------------------|--|--------------------------|---------------|---------------|---------------|----------------------------|--|
| Permitting | Average Time to Issue an Intent for State Construction Permits | 57 days | 28 days | 23 days | 27 days | 24 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 | 79 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 | 98% 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 # 8.a.

Date of EPC Meeting: October 19, 2023

Subject: Conduct a Public Hearing to consider amendments to the EPC Noise Pollution Rule, Chapter 1-10, Rules of the EPC

Agenda Section: Public Hearing

Division: Air Division

Recommendation: Adopt the proposed amendments to the Noise Pollution Rule, Section 1-10.04(14), Rules of the EPC, and authorize staff to make typographic corrections as needed.

Brief Summary: Pursuant to EPC Act and Chapter 1-2, Rules of the EPC, a Noticed Public Hearing shall be held by the Commission to adopt or amend a rule. EPC staff drafted proposed amendments to Section 1-10.04(14) to codify existing and proposed areas where the EPC exempts noise originating from music and other entertainment located in limited areas within the City of Tampa. At the September EPC Commission Meeting, the Commission requested EPC staff to work with City of Tampa staff and the Tampa Heights Civic Association to consider additional comments related to the proposed exemption area. Two meetings were held with the City of Tampa to discuss their input. In addition, EPC staff presented the draft rule and addressed comments and questions at a Tampa Heights Civic Association community meeting to further engage the local residents of the area.

Financial Impact: No Financial Impact

List of Attachments: Proposed Amended Chapter 1-10, Rules of the EPC (Draft version dated October 12, 2023)

Background:

The EPC Noise Pollution Rule, Chapter 1-10, Rules of the EPC, addresses noise pollution from various sound sources throughout Hillsborough County and regulates noise on a decibel scale. EPC maintains concurrent jurisdiction in all municipalities in Hillsborough except where EPC has exempted certain noise generating activities (e.g. residential, agriculture, mobile sources) or locations (e.g. Ybor City Historic District). The last significant amendments were adopted by the EPC Commission in September 2023 at which time all proposed amendments were passed with the exception of the proposed revisions to an exemption area in the City of Tampa's downtown. The Commission directed EPC staff to work with City of Tampa staff and the Tampa Heights Civic Association residents to consider additional comments proposed by interested parties and to bring the proposed exemption map and rule language for consideration at the October meeting. Two meetings were held with the City of Tampa staff on September 27th and October 2nd to discuss their input. In addition, EPC staff presented the draft rule concepts and took comments and questions at a Tampa Heights Civic Association meeting on October 9th to engage with the local residents of the area.

The civic engagement and comments received helped guide EPC staff's decision to propose a reduction in the previously proposed exemption area. EPC staff propose to exempt noise originating from music and entertainment in the area depicted in the proposed exemption Map 2 referenced in Section 1-10.04(14). Proposed Map 2 includes the areas historically exempt under this section that previously had decibel-based regulation in City of Tampa ordinances, such as Central Business District and Channel District. Proposed Map 2 also includes areas historically exempt under this section such as the Historic Ybor City District, that still has decibel-based regulation in City of Tampa ordinance. Also, Map 2 has new areas West of Ybor that are proposed to be added to the above-described existing exempt areas. The exemption areas are recommended for inclusion by staff because data measured by EPC's sound monitoring devices may be distorted by multiple noise generating venues simultaneously operating and by interferences created by numerous walls and buildings that can cause reflection and diffraction issues affecting the noise data results. The EPC defers to City of Tampa's authority under their Noise Ordinance for regulation in these areas.

EPC sent the amended map and rule to over 700 e-mail addresses on October 5, 2023, to include various entities that have interacted with the EPC regarding noise, along with HOAs and Civic Associations. The proposed rule amendments and notice of the opportunity to send comments were provided via group e-mails and website postings. Additionally, EPC staff have agreed to continue cooperative discussions with the City of Tampa staff on noise regulation matters.

Pursuant to noticing requirements in Section 5 of the EPC Act and Chapter 1-2, Rules of the EPC, this public hearing was timely noticed via publication in a newspaper of general circulation. The EPC enhanced its noticing by publishing in two newspapers, as follows: in the Tampa Bay Times Hillsborough County Edition on October 4, 2023, and the La Gaceta weekly publication on October 6, 2023. Further, the proposed rule amendments have been published on the EPC website since October 4, 2023. Minor scrivener's errors to the proposed map were corrected on October 12, 2023.

EPC staff requests the Commission conduct a public hearing to take comment and to adopt the rule amendments as proposed, and in the event any typographical errors are discovered after the hearing, approve staff to make the necessary non-substantive corrections, prior to filing the rule with the Clerk.

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-10
NOISE POLLUTION**

- 1-10.00 Intent**
- 1-10.01 Definitions**
- 1-10.03 Sound Level Limits**
- 1-10.04 Exemptions**
- 1-10.05 Competitive Motor Vehicle Events**
- 1-10.06 Waiver or Variance**
- 1-10.08 Methodology**

1-10.00 INTENT

Chapter 1-10 is intended to regulate noise pollution originating from stationary sources and traveling outdoors to other receiving properties. It is not the intent of this rule to regulate noises under all circumstances. *Section History - adopted September 18, 2008 and effective September 18, 2008.*

1-10.01 DEFINITIONS

- (1) Definitions contained in Chapter 84-446, Laws of Florida, as amended, (EPC Act) apply to this rule.
- (2) The following specific definitions shall apply to this rule:
 - (a) **A-Weighted Sound Level** – The electronic filtering in sound level meters that models human hearing frequency sensitivity and is denoted as dBA (decibel A-weighting).
 - (b) **Background Sound Pressure Level** – The equivalent sound pressure level of all encompassing noise present in the environment in the absence of sound from the source in question.
 - (c) **Commercial Property** – All property which is used primarily for the sale of merchandise or goods, or for the performances of a service, or for office or clerical work. Hotels and motels are considered Commercial Property under this rule.
 - (d) **Decibel (dB)** – A unit of measurement of sound pressure equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
 - (e) **East Bay Raceway** – A one-third ($\frac{1}{3}$) mile dirt track located at 6311 Burts Road in Hillsborough County.
 - (f) **Emergency** – Any occurrence or set of circumstances involving actual or imminent physical trauma, natural resource damage, or property damage which demands immediate action.
 - (g) **Emergency Response** – Any action performed for the purpose of preventing or alleviating an emergency, including training exercises related to emergency response.
 - (h) **Industrial Property** – Any property which is used primarily for manufacturing, processing, or distribution.
 - (i) **Leq** – Abbreviation for the equivalent sound pressure level which means the constant sound level that, in a given time period, conveys the same sound energy as the actual time-varying sound.
 - (j) **Octave Band** – All of the components in a sound spectrum whose frequencies are between two sine wave components separated by an octave.
 - (k) **Public Right-Of-Way** – Any street, avenue, boulevard, highway, sidewalk, or alley or similar place normally accessible to the public which is owned or controlled by a government entity.

(l) **Real Property Line** – An imaginary line along the ground surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

(m) **Residential Property** – All property designed for people to live and sleep, and which is not commercial or industrial as defined in this rule, including but not limited to homes, dwellings, individual plots within a mobile home park, hospitals, shelters designed for human habitation, schools, nursing homes, and parks that have sleeping accommodations. Residential property must be located (sited) in conformance with applicable county or municipal zoning and land use provisions. For purposes of this rule, a legal non-conforming residential use is considered in conformance, and therefore residential property.

(n) **RMS (Root Mean Square) Sound Pressure** – The square root of the time averaged square of the sound pressure.

(o) **Sound** – An oscillation or alteration in pressure, stress, particle displacement, particle velocity, or other physical parameter, in an elastic medium; or, an auditory sensation evoked by the alterations described above. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(p) **Sound Level** – A logarithmic ratio of sound power or parameters related to power such as pressure, referenced to the threshold of human hearing, 20 micropascals.

(q) **Sound Level Meter** – A device used to measure sound pressure level, or weighted sound pressure level, or octave band sound pressure level, and this device is of Type 1, as specified in the American National Standards Institute Publication S1.4-1983 (R2006) or its successor publication or amendments, including but not limited to ANSI S1.4A-1985 (R2006).

(r) **Sound Pressure** – The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of energy, which accompanies the passage of a sound wave.

(s) **Sound Pressure Level** – Twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is denoted SPL and is expressed in decibels.

(t) **Shooting Range** – An area designated and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar type of sport, law enforcement, or military shooting.

(u) **Stationary Source** – Any facility or activity that has the potential to emit sound and exists at or is designed to be operated as a unit at a fixed location, although parts of the source may move while the source is in operation. This includes but is not limited to all commercial and industrial facilities, e.g., relocatable rock crushing machinery and/or equipment.

(v) **Unamplified Sound** – Sound that is not amplified by any mechanical or electronic means.

Section History – amended September 18, 2008 and amendment effective September 18, 2008; amended September 21, 2023 and amendment effective September 25, 2023.

1-10.03 SOUND LEVEL LIMITS

(1) Sound levels limits pursuant to this rule shall be measured with a sound level meter as an Leq for a 10-minute period of time. Sound levels which exceed the limits set forth in this rule for the receiving land when measured at or within the property line of the receiving land, or as measured at the locations described in 1-10.03(1), are a violation of this rule. The point of sound level compliance for receiving residences or other sleeping accommodations on agricultural and park land shall be measured at a distance no greater than 150 feet from the receiving residence or sleeping accommodation.

(2) **Sound Level Limits.** Unless otherwise specified in this rule, the below limits in this subsection shall be measured using the A-Weighted Sound Level (dBA).

| Receiving Land Use Category | Time | Sound Level Limit, dBA |
|-----------------------------|----------------|------------------------|
| Residential | 7 a.m.-10 p.m. | 60 |
| | 10 p.m.-7 a.m. | 55 |
| Commercial | At all times | 65 |
| Industrial | At all times | 70 |

(3) **Octave Band Residential Sound Level Limit.** In addition to the sound level limits of 1-10.03(2), for any source of sound which impacts on residential property, the maximum allowable sound level limit for the individual octave bands whose centers are 63, 125, and 250 Hertz (Hz) shall not exceed the below listed decibel levels, measured as an Leq for a 10-minute period of time:

| Octave Band | Time | Sound Level Limit - dB |
|-------------|----------------|------------------------|
| 63 Hz | 7 a.m.-11 p.m. | 70 |
| 63 Hz | 11 p.m.-7 a.m. | 65 |
| 125 Hz | 7 a.m.-11 p.m. | 64 |
| 125 Hz | 11 p.m.-7 a.m. | 59 |
| 250 Hz | 7 a.m.-11 p.m. | 57 |
| 250 Hz | 11 p.m.-7 a.m. | 53 |

(4) No person shall generate, cause, let, permit, allow, or allow to continue any violation of this rule. If the same type of violation continues after the property owner is notified by the Environmental Protection Commission (EPC) or a law enforcement officer, then the property owner, even if he or she did not generate sound, will be deemed to have allowed the violation to continue and must comply with this rule.

Section History – amended September 18, 2008 and amendment effective September 18, 2008; amended September 21, 2023 and amendment effective September 25, 2023.

1-10.04 EXEMPTIONS

Any of the following exempt activities or sources listed in this section remain subject to any other laws, regulations, codes or ordinances. The following activities or sources are exempt from the requirements of this rule and the EPC’s noise nuisance laws:

(1) The emission of sound from a person or any mechanical device, apparatus, or equipment for the purpose of alerting persons to the existence of an emergency, or sounds generated in the performance of emergency response duties, including training.

(2) The unamplified sound of the human voice.

(3) The unamplified sounds of animals.

(4) Sounds from agricultural operations on land classified or zoned for agricultural purposes. This also includes agritourism as provided by Florida law. Non-agricultural operations on land classified or zoned for agricultural purposes may be regulated under this Rule if no other exemption applies.

(5) Sound originating from within a residential structure and its appurtenances, including but not limited to a yard, barn, shed, gazebo, garage, patio, compressors, air conditioning/air handling equipment, or pool pump motor or filter. Sounds related to operating, residing in, and maintaining a residence, including but not limited to, lawn care, home repair or maintenance, and refuse collection. Residential generators are also exempt, see

Subsection 1-10.04(16) for additional detail.

(6) Commercial operation of motorized lawn, garden, or other outdoor maintenance equipment on any classification of property is exempt between the hours of 7 a.m. and 10 p.m.

(7) Sounds occurring at places of religious worship and related to those religious activities.

(8) Except where regulated elsewhere in this rule, events directly related to all holidays recognized by local, State, or federal governments; parades and festivals authorized by the State, federal, or local governments; competitive sporting events; and public fairs or expositions as defined in Chapter 616, F.S. However, this fair and exposition exemption does not apply to any concerts at the Amphitheatre during the Florida State Fair Authority's annual state fair.

(9) Mobile sources, including but not limited to:

(a) motor vehicles, including recreational motorized vehicles, remote control devices, and the associated stereos or other sound generating devices attached to the vehicles. This does not include racing vehicles and racing venues addressed elsewhere in this rule, nor does it include the sounds associated with the unloading of non-watercraft vehicles;

(b) the operation of trains, ships, personal watercraft, and aircraft; and

(c) portable sound systems used for personal entertainment.

(10) Common carrier stations, including but not limited to bus stations, transit malls, train stations, ships' wharves and docks, and airports.

(11) Shooting ranges pursuant to Section 823.16, F.S., discharge of firearms, and the shooting sounds associated with paintball facilities.

(12) Sounds generated by governmental entities and their agents related to construction, operation, and maintenance of transportation projects and facilities. Sounds generated by the Florida Department of Transportation and its agents arising from activities at existing or future transportation facilities, or appurtenances thereto, on the State Highway System, pursuant to Section 335.02(4), F.S.

(13) Construction activity for which the County or municipality has issued all applicable permits, or which is exempt from County or municipality permits, provided such activity occurs between 6:00 a.m. and 8:30 p.m. and reasonable precautions are taken to abate the noise pollution generated from those activities. Reasonable precautions shall include but not be limited to noise pollution abatement measures such as enclosure of the noise pollution source, use of acoustical blankets, and change in work practice.

(14) ~~Noise pollution Sound related to music or other entertainment originating from entertainment or musical events in the Central Business District, the Ybor City Historic District, and the Channel District, as delineated in the City of Tampa Code of Ordinances. Additionally, sound related to music or other entertainment originating from the areas delineated in the two maps below which is~~ are incorporated as part of this subsection.

(15) Activities conducted on public athletic facilities and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to athletic, musical, and entertainment events at private or public schools.

(16) Sounds from power generators, including the following:

(a) generators operating during testing, maintenance, periods of emergency, or power failure;

(b) generators for residential structures; and

(c) generators for hospitals, nursing homes, critical care facilities, government utilities, and other critical government infrastructure.

However, generators supporting commercial or industrial properties not qualifying for an exemption above must comply with the noise regulations of this rule.

Section History – amended September 18, 2008 and amendment effective September 18, 2008; amended August 9, 2012 and effective August 20, 2012; amended September 21, 2023 and amendment effective September 25, 2023; amended October XX, 2023 and amendment effective October XX, 2023.

1-10.05 COMPETITIVE MOTOR VEHICLE EVENTS

(1) Sound Level Limits -

(a) Sound levels from facilities holding competitive motor vehicle events shall be subject to the sound level limits of subsections 1-10.03(2) and (3), except for East Bay Raceway.

(b) Sound levels from competitive motor vehicle events at East Bay Raceway shall not exceed 78 dBA as an Lmax, measured with a sound level meter at or within receiving residential property.

(c) In the event East Bay Raceway adds a new racing event at its existing track, builds a new facility, or expands or relocates its existing racetrack then that new racing event and/or new, relocated, or expanded facility is subject to the sound level limits in subsections 1-10.03(2) and (3).

(2) Authorization Required -

(a) Compliance with all applicable requirements of section 1-10.05 shall be demonstrated by completing a Competitive Motor Vehicle Events form provided by EPC staff and submitting it to the EPC Executive Director:

(1) prior to construction, alteration, or expansion of any competitive motor vehicle racing facility; and

(2) annually, by November 1 of each year for all racing activities planned for the following calendar year.

The Competitive Motor Vehicle Events form is maintained by the Air Management Division.

(b) Any racing facility submitting a complete Competitive Motor Vehicle Events form, including all requirements of this section, shall be eligible to operate unless the Executive Director makes a written decision of ineligibility within 45 days of receipt of the complete form, except new or modified race tracks will require a modeling demonstration as described in subsection 1-10.05(3)(a) be affirmatively approved by the Executive Director prior to operation or construction. Any incomplete form shall be returned to the applicant for further information, and the 45-day EPC review will re-start upon Executive Director's receipt of the amended form. Any person aggrieved by the decision of the EPC Executive Director may challenge the decision pursuant to Section 9 of the EPC Act and Section 1-2.30, Rules of the EPC.

(3) General Requirements for All Motor Vehicle Racing Facilities.

(a) In addition to the form required above, no person shall begin construction or begin operation of a new racing facility, or begin alteration or expansion of a racing facility existing as of the date of this rule without first submitting a written demonstration of ability to comply with the sound level limits in Section 1-10.05(1)(a). The demonstration shall include but not be limited to modeling by an acoustical expert to demonstrate compliance. The demonstration will be reviewed by EPC staff, and construction, alteration or expansion can not commence prior to approval by the Executive Director. The Competitive Motor Vehicle Events form shall be submitted in conjunction with the demonstration.

(b) All motor vehicles participating in racing events shall be inspected by designated raceway personnel prior to each race to ensure that appropriate sound-attenuating mufflers are being used during the racing event and all preliminary race activities. A written record of the following information shall be maintained: the date, time and place of inspection; the person performing the inspection; description of vehicle inspected; and results of the inspection.

(c) The Competitive Motor Vehicle Events form will include the following information for all races scheduled for the next calendar year:

(1) Name, address, and telephone number of the person, firm, corporation, or other entity responsible for the racing events.

(2) Name and telephone number of a responsible party who may be reached during all racing events.

(3) Location, dates and times of all racing events for that calendar year, including the beginning and ending times of the races, and the number and types of vehicles in the races.

(4) Descriptions of all measures, methods, and work practices used to reduce the volume of noise pollution generated by the racing events.

(5) Provisions for employee training, including familiarization with the requirements of this rule.

(6) Provisions for trackside and boundary noise pollution monitoring.

(d) All records of operations, inspections and noise pollution monitoring shall be retained on site for a minimum of two years and made available to EPC staff upon request.

(e) All racing facilities shall allow EPC personnel access to the premises at reasonable times to copy records, inspect or monitor the operations to determine compliance with EPC rules.

(f) Any deviation from the hours of operation or dates of operation shall be reported to EPC staff within 24 hours of the occurrence.

(4) Specific Requirements for East Bay Raceway.

(a) During East Bay Raceway's current annual race event, which is not to exceed six consecutive weeks, the races shall end by 10:30 p.m. with a one-hour extension for delays.

(b) East Bay Raceway's regular season races on Friday and Saturday nights shall end by 11:30 p.m. with a thirty-minute extension for delays. Regular season Sunday races are for emergency make-up only and are allowed from 5 p.m. to 10:30 p.m.

(c) East Bay Raceway shall keep records of race stop times for each race day, and the number and types of vehicles participating in each event.

Section History – amended September 18, 2008 and amendment effective September 18, 2008.

1-10.06 WAIVER OR VARIANCE

Persons may apply for a waiver or variance to all or a portion of this rule by filing an application pursuant to section 1-2.50, Rules of the EPC.

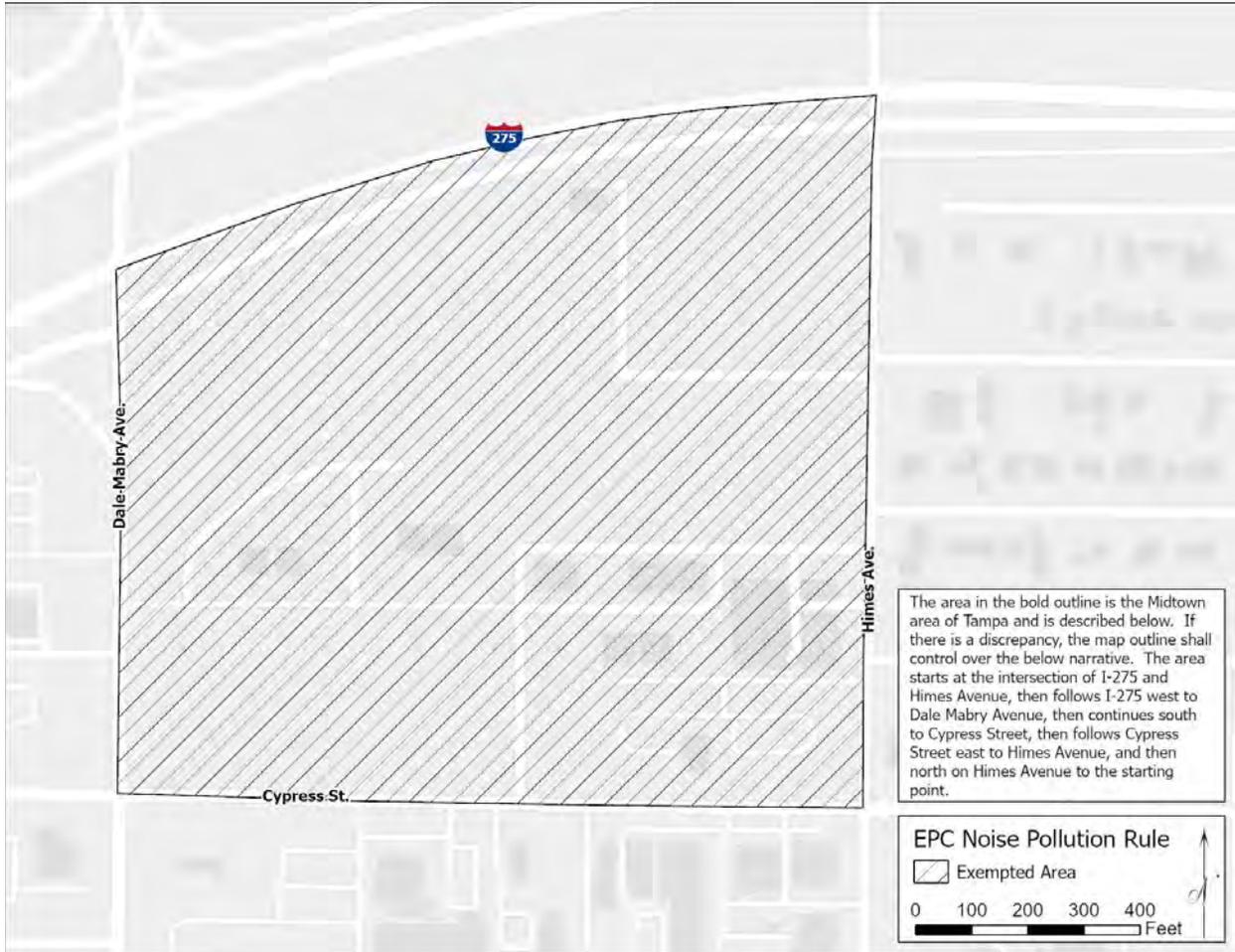
Section History – amended September 18, 2008 and amendment effective September 18, 2008.

1-10.08 METHODOLOGY

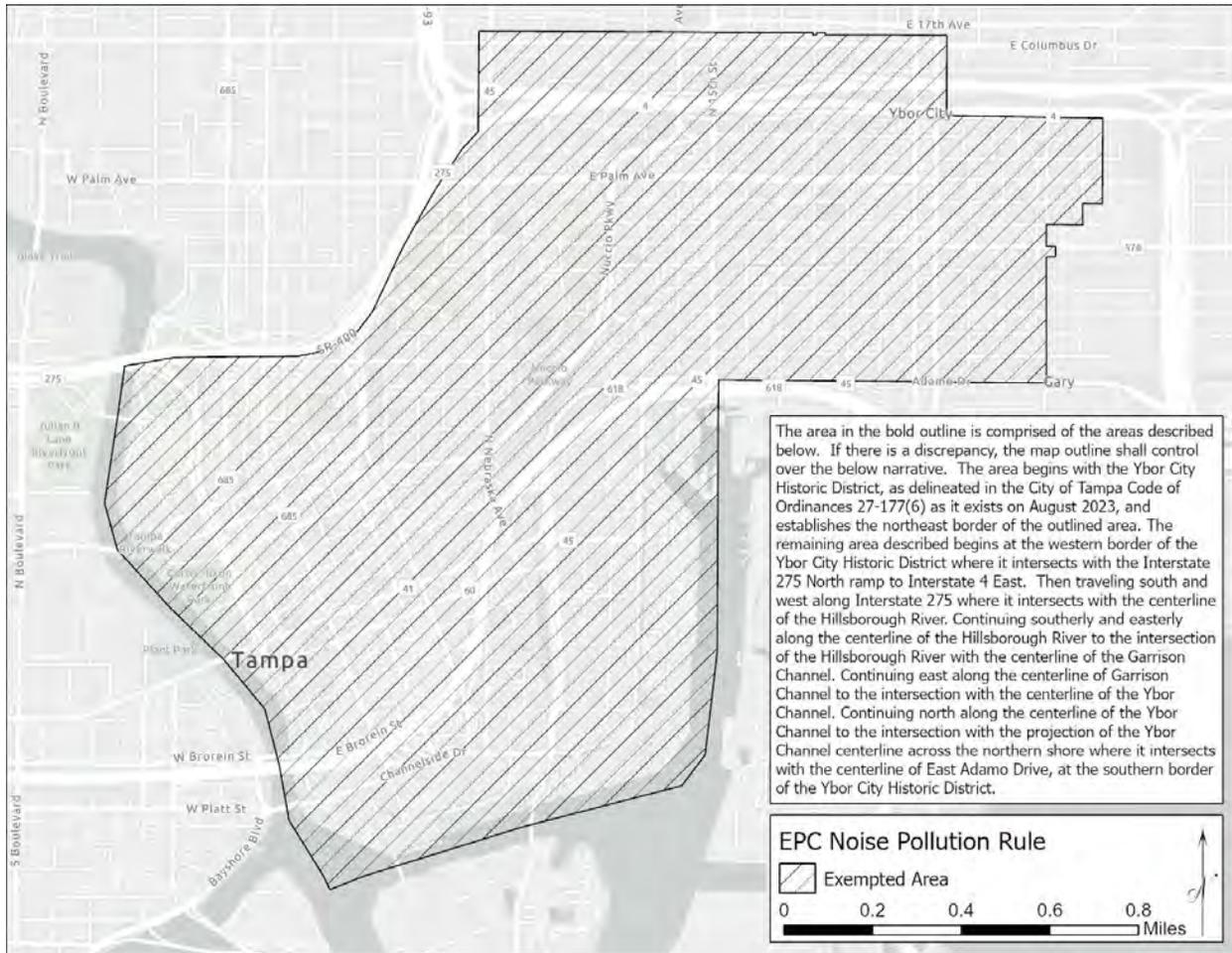
EPC staff maintains standard operating procedures for measuring sound levels and analyzing them in accordance with the provisions of this rule. These procedures are not adopted by this rule and may be revised as necessary to address updated standards applicable to the measurement and analysis of sound levels.

Section History – adopted September 18, 2008 and effective September 18, 2008.

Map_1 for exemption detailed in Subsection 1-10.04(14), Rules of the EPC



Map 2 for exemption detailed in Subsection 1-10.04(14), Rules of the EPC



Rule History:
Adopted 6/10/76
Amended 4/13/78
Amended 9/1/82
Amended 11/15/84
Amended 11/11/88
Amended 10/05/89
Amended 05/23/90
Amended 05/22/91
Amended 06/20/95
Amended 01/17/96
Amended 12/19/00
Amended 08/19/04
Amended via Circuit Court Ruling 02/25/05
Amended 09/18/08 and Effective 09/18/08
Amended 8/9/12 and Effective 8/20/12
Amended 9/21/23 and Effective 9/25/23
Amended XX/XX/23 and Effective XX/XX/23



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.a.

Date of EPC Meeting: October 19, 2023

Subject: Pollution Recovery Fund (PRF) Grant Applications and Funding Requests

Agenda Section: Regular Agenda

Division: Water Division

Recommendation: 1) Approve funding of the PRF projects identified below, in concurrence with EPC staff, for a total of \$279,749.22 of Pollution Recovery Funds. 2) Authorize the Chair to execute the approved PRF agreements, on a continuing basis, when they are finalized by EPC staff, and authorize the Chair to execute any future amendments to the approved projects that involve non-material changes, or reasonable deadline extensions. These types of amendments will not involve increases in funding.

Projects recommended for funding:

- **A23-01** Lake Magdalene Special Taxing District - Lake Magdalene Grass Carp Barriers - \$20,258.72
- **A23-02** Hillsborough County Extension Service - Agriculture Pesticide Collection - \$48,000.00
- **A23-03** RHC Master Association, Inc. - River Hills Nature Trail - \$11,869.50
- **A23-04** City of Tampa - Invasive Species Removal along Hillsborough River, Hillsborough Bay, and Old Tampa Bay - \$50,000.00
- **A23-05** University of South Florida - Impact of Indigenous *E. coli* on Microbial Water Quality in Hillsborough County - \$50,000.00
- **A23-06** Sea & Shoreline LLC - Reed Park Stormwater Restoration Project - \$49,621.00
- **A23-07** Ecosphere Restoration Institute, Inc. - MacDill Air Force Base Mangrove Restoration - \$50,000.00

Brief Summary: EPC staff have reviewed the Calendar Year 2023 Pollution Recovery Fund project applications. Each application was reviewed for legal sufficiency (compliance with the EPC Act and Chapter 1-9 Rules of the EPC) and technical merit (whether the project can be permitted and whether it is based on sound scientific knowledge). A total of seven applications were received this year. EPC staff are recommending approval of all seven projects described above and in the attached project summary list for funding.

Financial Impact: Financial Impact to Pollution Recovery Fund is \$279,749.22 to be paid out of existing funds. No additional funds required.

List of Attachments: Application Summary Sheet

Background: The Hillsborough County Environmental Protection Act, Chapter 84-446, Laws of Florida, (EPC Act) and Chapter 1-9, Rules of the EPC establish a pollution recovery fund (PRF) which is to be supervised and used by the EPC to, among other things, restore polluted areas of the County to the condition they were in before pollution occurred, to mitigate the effects of pollution, or to otherwise enhance pollution control activities within Hillsborough County. PRF funds are collected through the assessment of penalties and settlements in environmental enforcement cases. EPC staff have reviewed the Calendar Year 2023 Pollution Recovery Fund project applications. Each application was reviewed for legal sufficiency (compliance with the EPC Act and Chapter 1-9 Rules of the EPC) and technical merit (whether the project can be permitted and whether it is based on sound scientific knowledge). A total of seven applications were received this year. EPC staff are recommending approval of all seven projects described above and in the attached project summary list for funding.

2023 Project Requests for Pollution Recovery Funds

A23-01 Lake Magdalene Grass Carp Barriers

Applicant: **Lake Magdalene Special Taxing District**

Project Details This project consists of installing a grass carp barrier at the Lake Magdalene outfall to Sweetwater Creek. The project would involve the design, professional services, and the construction of the carp barrier at the designated location.

PRF Request: \$20,258.72

Project Manager: Cynthia Short

Total Cost: \$20,258.72

Phone: (813) 334-3566

EPC Staff Recommendation:

Staff Notes:

A23-02 Agriculture Pesticide Collection

Applicant: **Hillsborough County Extension Service**

Project Details The Agriculture Pesticide Collection Program is directed at terminating an identified potential pollution source. The purpose of this program is to collect and properly dispose of agricultural pesticides that cannot or should not be used.

PRF Request: \$48,000.00

Project Manager: Simon Bollin

Total Cost: \$51,150.00

Phone: (813) 744-5519

EPC Staff Recommendation:

Staff Notes:

A23-03 River Hills Nature Trail

Applicant: **RHC Master Association**

Project Details This project proposes to remove invasive species of vegetation and replant with native species of plants along the River Hills Nature Trail which consists of 4.2 miles of trails over a 250-acre tract of land that borders the Alafia River.

PRF Request: \$11,869.50

Project Manager: Paul Worsfold

Total Cost: \$13,869.50

Phone: (813) 352-0482

EPC Staff Recommendation:

Staff Notes:

A23-04 Invasive Species Removal along HR, HB, OTB

Applicant: **City of Tampa**

Project Details The City of Tampa will use PRF funds to contract with landscape contractors to remove invasive species at seven project locations which include parks and trails along the Hillsborough River, Hillsborough Bay, and Old Tampa Bay. Any costs for City personnel or indirect costs incurred as part of the grant project will be covered in-kind by the City of Tampa.

PRF Request: \$50,000.00

Project Manager: Rebecca Young

Total Cost: \$50,000.00

Phone: (813) 274-3339

EPC Staff Recommendation:

Staff Notes:

2023 Project Requests for Pollution Recovery Funds

A23-05 Impact of Indigenous E. coli on Microbial Water Quality

Applicant: **University of South Florida**

Project Details The project aims to terminate an identified pollution source by developing methods to discriminate between E. coli from recent pollution events and indigenous E. coli populations in streams. We will also identify sewage and animal fecal pollution by MST. Visual identification of sources (e.g., illicit connection to stream conveying sewage) will be reported to EPC. Suspected sources based on data collected will be relayed to EPC on an ongoing basis for remediation.

PRF Request: \$50,000.00

Project Manager: Valerie J Harwood

Total Cost: \$62,202.00

Phone: (813) 974-1524

EPC Staff Recommendation:

Staff Notes:

A23-06 Reed Park Stormwater Restoration Project

Applicant: **Sea & Shoreline LLC**

Project Details The anticipated use for the funds will be put towards planting submerged aquatic vegetation (SAV). This project will focus on the Hillsborough River, specifically the waters around Reed Park in Tampa. 2,900 mechanical planting units will be planted on 3-foot centers throughout the project. 100 peat pot Planting units will be planted in groups of 5 under 20 GrowSAV Herbivory Exclusion Devices. After installation, a team of biologists will perform monthly maintenance for 12 Months. Maintenance will consist of examining plant health and removing biofouling from devices.

PRF Request: \$49,621.00

Project Manager: Ryan Brushwood

Total Cost: \$57,521.00

Phone: (813) 719-5190

EPC Staff Recommendation:

Staff Notes:

A23-07 MacDill AFB Mangrove Restoration

Applicant: **Ecosphere Restoration Institute**

Project Details The mangrove forest on the southern tip of MacDill Air Force Base had been dredged in 1970 as part of Wholesale mosquito ditching operations in Tampa Bay. The proposed restoration of the 3 acres of mangrove habitat will help filter untreated run-off and improve sheet flow through 23 acres of mangrove forest. The requested \$50K will be used for administration of the grant (5% max) and the bulk of the funding will be used to have the contractor continue to hydro-blast the spoil mounds and thus restore the mangrove habitat onsite.

PRF Request: \$50,000.00

Project Manager: Thomas Ries

Total Cost: \$207,000.00

Phone: (813) 376-9076

EPC Staff Recommendation:

Staff Notes:

Number of Applications: **7**

Total Amount Requested: **\$279,749.22**



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.b.

Date of EPC Meeting: October 19, 2023

Subject: 2023 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 presentation includes information and data regarding the EPC's efforts to protect the environment and regulate air, waste, wetlands, and water pollution, as well as activities relating to 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. This report is intended to brief the Commission on environmental conditions and trends within Hillsborough County. Significant events are mentioned and several trends detailed. This report is usually presented to the Commission first and may be shared at various speaking engagements throughout the rest of the year.

The Annual Report presentation includes 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.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # 9.c.

Date of EPC Meeting: October 19, 2023

Subject: 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. Commissioners completed the evaluation forms and returned them to the EPC Administration Director (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: Compiled Evaluation Scores and Individual Performance Forms

Background: Pursuant to the Executive Director's Employment Agreement between Janet Lorton and the EPC Commission, the Commission shall review and evaluate the Executive Director annually during the month of October or the next regular meeting of the Commission. This is an annual opportunity to evaluate the performance of the Executive Director.

The Executive Director's evaluation criteria are linked to the goals that are established annually and to the quarterly performance measure updates on the Agency's core functions that are provided to the Commission throughout the year as part of the agenda backup. During the September 21, 2023 Commission meeting, an explanation of the evaluation process was provided and each Commissioner received a blank evaluation form in their agenda packet. To further assist in the Commission's review of the Executive Director's performance, the EPC staff provided the Commission with a copy of Ms. Lorton's self-evaluation packet.

Each Commissioner had the opportunity to individually provide their scores on the evaluation forms and return them to the EPC Administration Director. The scores were compiled and recorded 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. Per agreement, unless otherwise voted on by the EPC Commission, Ms. Lorton will receive the same wage increases as other unclassified managerial employees as approved through the BOCC budget process. This year, a 4% 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
FY2023 ASSESSMENT

| BEHAVIORS | | | | | | | | |
|------------------|------------|---------------|----------------|--------------------------|-----------------------|--------------------------|-----------------|----------------------------|
| | Leadership | Communication | Responsiveness | Respect & Fair Treatment | Quality of Staff Work | Service to the Community | Problem Solving | Management of Organization |
| Cameron Cepeda | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| 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 |
| Owen | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Wostal | 5 | 5 | 5 | 5 | 5 | 5 | 4 | 4 |
| Average | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 4.86 | 4.86 |

| ACCOMPLISHMENT OF GOALS | | | | | |
|--------------------------------|-------------------------------------|-------------------------------|-------------------------------------|-----------------------|------------------------|
| | Environmental Protection Excellence | Successful/ Engaged Workforce | Customer/Partner Focused Excellence | Fiscal Responsibility | Continuous Improvement |
| Cameron Cepeda | 5 | 5 | 5 | 5 | 5 |
| Cohen | 5 | 5 | 5 | 5 | 5 |
| Hagan | 5 | 5 | 5 | 5 | 5 |
| Kemp | 5 | 5 | 5 | 5 | 5 |
| Myers | 5 | 5 | 5 | 5 | 5 |
| Owen | 5 | 5 | 5 | 5 | 5 |
| Wostal | 5 | 5 | 4 | 4 | 4 |
| Average | 5.00 | 5.00 | 4.86 | 4.86 | 4.86 |

| PERFORMANCE MEASURES ON CORE FUNCTIONS | | | | | | |
|---|--|---|--|-------------------|---------------------------------|-------------------------------|
| | Timely Delegated State Permitting Processing | Timely Port Authority Permitting Processing | Timely Local EPC Permitting Processing | Timely Compliance | Timely Complaint Investigations | Timely Enforcement Resolution |
| Cameron Cepeda | 5 | 5 | 5 | 5 | 5 | 5 |
| Cohen | 5 | 4 | 5 | 5 | 5 | 5 |
| Hagan | 5 | 4 | 5 | 5 | 5 | 5 |
| Kemp | 5 | 5 | 5 | 5 | 5 | 5 |
| Myers | 5 | 5 | 5 | 5 | 5 | 5 |
| Owen | 5 | 5 | 5 | 5 | 5 | 5 |
| Wostal | 5 | 4 | 4 | 5 | 5 | 5 |
| Average | 5.0 | 4.57 | 4.86 | 5.0 | 5.0 | 5.0 |

PERFORMANCE EVALUATION



Janet D. Lorton, Executive Director
Environmental Protection Commission of Hillsborough County

October 1, 2022 to September 30, 2023

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's Director of Administration, Elaine DeLeeuw.*

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 | 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: Donna Cameron Cepeda Date: 10-05-2023

Comments (optional):

PERFORMANCE EVALUATION



Janet D. Lorton, Executive Director
 Environmental Protection Commission of Hillsborough County
 October 1, 2022 to September 30, 2023

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's Director of Administration, Elaine DeLeeuw.

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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 | 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 | 4 | 5 | 5 | 5 | 5 |

Commissioner Name: Harry Cohen Date: 10/11/2023

Comments (optional):

It is a pleasure to work with Mrs. Lorton.

Elaine DeLeeuw

PERFORMANCE EVALUATION



Janet D. Lorton, Executive Director
 Environmental Protection Commission of Hillsborough County
 October 1, 2022 to September 30, 2023

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's Director of Administration, Elaine DeLeeuw.

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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 | 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 | 4 | 5 | 5 | 5 | 5 |

Commissioner Name: Ken Hagan Date: 10/4/23

Comments (optional):



PERFORMANCE EVALUATION

Janet D. Lorton, Executive Director
 Environmental Protection Commission of Hillsborough County
 October 1, 2022 to September 30, 2023

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's Director of Administration, Elaine DeLeeuw.

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- 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 | 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: 10/06/2023

Comments (optional):

PERFORMANCE EVALUATION



Janet D. Lorton, Executive Director
 Environmental Protection Commission of Hillsborough County
 October 1, 2022 to September 30, 2023

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's Director of Administration, Elaine DeLeeuw.

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

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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: Gwen Myers Date: 10/9/2023

Comments (optional):

PERFORMANCE EVALUATION



Janet D. Lorton, Executive Director
 Environmental Protection Commission of Hillsborough County
 October 1, 2022 to September 30, 2023

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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 | 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: Michael Owen D-4 Date: 10/12/2023
 Comments (optional):

Janet is outstanding. She is a true asset to our County.

PERFORMANCE EVALUATION



Janet D. Lorton, Executive Director
 Environmental Protection Commission of Hillsborough County
 October 1, 2022 to September 30, 2023

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's Director of Administration, Elaine DeLeeuw.

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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 | 4 | 4 |

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

Commissioner Name: Joshua Wostal Date: 10-10-2023

Comments (optional):

Keep up the good work!