

**COMMISSION**

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



**Executive Director**

Janet D. Lorton

**General Counsel**

Ricardo Muratti

**Location**

601 E. Kennedy Blvd., Tampa, Florida  
BOCC Boardroom, County Center, 2<sup>nd</sup> Floor  
*See details below for virtual attendance*

**Meeting time**

10:00 a.m.

**COMMISSION AGENDA**

**April 18, 2024**

- 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 Commissioner Joshua Wostal, past EPC Chair.
  - b. Recognition of the EPC’s 2024 Environmental Merit Award winner, Swara Patel, Carrollwood Day School for her project entitled *Experimental Investigation of Phytodesalination and Growth Rate of Duck Weed in Saltwater Hydroponics*.
- 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**

  - a. Approval of Meeting Minutes: January 18, 2024 Regular Meeting and March 19, 2024 Special Meeting ..... 3
  - b. Monthly Activity Report FY2024 (Jan., Feb., Mar.)..... 9
  - c. Pollution Recovery Fund (PRF) Budget FY2024..... 11
  - d. Legal Case Notification ..... 13
  - e. Select Performance Measure Goals for 2024..... 15
  - f. Revision to EPC Rules of Order - Rule 14, regular meeting calendar, second vote ..... 17
  - g. Adjustment to Executive Director’s Procurement Authority ..... 18
  - h. Request for authority to take appropriate legal action against Broadway Quick Mart Inc. and Jose Louis Ramos, Trustee of the Ramos Separate Property Trust Dated December 30, 2002 ... 19
  - i. Request for authority to take appropriate legal action against Hillrise Enterprises, LLC ..... 21
- 8. PUBLIC HEARING** (*none*)
- 9. REGULAR AGENDA**
  - a. Radon Study ..... 23
  - b. Wetlands Division Informational Presentation..... 24
  - 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](http://www.epchc.org/pubcomment). The form is open 48 hours prior to the start of the meeting. 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](#). 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 18, 2024

**Subject:** Approval of the January 18, 2024, EPC meeting minutes and the March 19, 2024, EPC Special meeting minutes.

**Agenda Section:** Consent Agenda

**Division:** Administration Division

**Recommendation:** Approve the January 18, 2024, EPC meeting minutes and the March 19, 2024, EPC Special meeting minutes.

**Brief Summary:** Staff requests the Commission approve the meeting minutes from the Commission meeting held on January 18, 2024, and the Special Commission meeting held on March 19, 2024.

**Financial Impact:** No Financial Impact

**List of Attachments:** Draft copy of the January 18, 2024, EPC meeting minutes and the March 19, 2024, EPC Special meeting minutes.

**Background:** None

JANUARY 18, 2024 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, January 18, 2024, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

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

The following members were absent: Commissioners Ken Hagan and Joshua Wostal.

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

▶ Chair Myers 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

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

3. CHANGES TO THE AGENDA

▶ Ms. Janet Lorton, EPC Executive Director, announced the changes to the agenda.

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

5. RECOGNITIONS AND PROCLAMATIONS

a. Recognition of Commissioner Joshua Wostal, past EPC Chair.

▶ Ms. Lorton announced Item 5.a. was deferred to the next EPC meeting.

▶ Chair Myers recognized Ms. Luann Finley, Director, Board Services, Clerk of Court and Comptroller, for her service. Dialogue occurred.

b. Proclamation declaring February 2, 2024, as World Wetlands Day in Hillsborough County.

▶ Mr. Michael Lynch, Director, EPC, shared a presentation. ▶ Chair Myers declared February 2, 2024, as World Wetlands Day in the County.

6. PUBLIC COMMENT - ▶ **None.**

THURSDAY, JANUARY 18, 2024

7. APPROVAL OF CONSENT AGENDA

Consent Agenda Items

- a. Approval of October 19, 2023, Regular EPC Meeting Minutes
- b. Monthly Activity Report Fiscal Year (FY) 2024 (October, November, and December)
- c. Pollution Recovery Fund Budget FY 2024
- d. Legal Case Notification
- e. Select Performance Measure Goals for 2023
- f. Tampa Bay Nitrogen Management Consortium - Declaration of Cooperation

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

8. PUBLIC HEARING - **None.**

9. REGULAR AGENDA

- a. Tampa Bay Estuary Program Seagrass Update

► Ms. Lorton deferred to Mr. Ed Sherwood, Executive Director, Tampa Bay Estuary Program, who shared a presentation. ► After speaking on the fertilizer ban and keeping the bay clean and seagrass healthy, Commissioner Cohen talked about water quality and the need for canal dredging. Commissioner Owen asked how the short-term seagrass gains happened. ► Following discussion, Commissioner Kemp opined on opening areas under the bridges to allow flushing of the bay. Commissioner Cohen spoke to the septic-to-sewer conversion. Mr. Sherwood responded to inquiries about temperature impacts on seagrass.

- b. Initiation of Rulemaking - Revisions to Chapter V, Basis of Review, Rules of the EPC

► Ms. Dessa Clock, EPC, discussed the item.

THURSDAY, JANUARY 18, 2024

c. EPC Annual Meeting Schedule and Revision to Rules of Order

▶ Mses. Lorton and Elaine Deleeuw, Director, EPC, spoke to the item. After further discussion, ▶ **Commissioner Owen moved for the EPC Board to have the four meetings a year with the start time of 9:30 a.m.** Ms. Deleeuw clarified the meetings would be January, April, August, and October based on the needs of the agency; the meetings were not quarterly meetings, but there would be four meetings during those months, ▶ **which Commissioner Owen confirmed and asked that the clarification from Ms. Deleeuw be incorporated into the motion, seconded by Commissioner Kemp,** who made remarks. Following talks, ▶ **Commissioner Owen amended the motion to just make the one change for a 10:00 a.m. start time consistent with four meetings and also consistent with the recommendations on the months for the year, seconded by Commissioner Kemp, and carried five to zero.** (Commissioners Hagan and Wostal were absent.)

d. Revision to Include U.S. Ecology Tampa Incorporated as a Grantee to Pollution Recovery Fund Agreement for Agriculture Pesticide Collection

▶ Mr. Chris Pratt, EPC, shared a presentation. ▶ **Commissioner Kemp moved approval, seconded by Commissioner Owen, and carried five to zero.** (Commissioners Hagan and Wostal were absent.)

e. Legislative Update - 2024 Legislative Session

▶ Attorney Beth Le, EPC, addressed the legislative updates. ▶ Subsequent to inquiries if the EPC put items on the County's legislative agenda, Commissioner Kemp favored endorsement/feedback/implementation of Senate Bill 298/House Bill 1079, spoke to issues faced at the Value Adjustment Board regarding agriculture tourism, and asked for a better understanding on upcoming House/Senate bills both positive/negative either at the EPC level or the Board of County Commissioners (BOCC) level, to which Ms. Lorton and EPC General Counsel Rick Muratti responded. ▶ Commissioner Cohen commented on per-and polyfluoroalkyl substances explored at the BOCC level and the County Attorney's Office being involved.

f. Executive Director's Report

▶ Ms. Lorton expounded on the report and announced the next EPC meeting was scheduled for April 18, 2024, at 10 a.m.

THURSDAY, JANUARY 18, 2024

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

ADJOURN

► There being no further business, the meeting was adjourned at 10:26 a.m.

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

ATTEST:  
CINDY STUART, CLERK

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

ad

DRAFT

MARCH 19, 2024 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting scheduled for Tuesday, March 19, 2024, at 10:30 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

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

CALL TO ORDER

▶ Chair Myers called the meeting to order at 11:41 a.m.

PUBLIC COMMENT - ▶ **None.**

AGENDA ITEM

1. CONSIDER TAMPA BAY WATER'S APPLICATION TO THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT TO MODIFY THE BALM FARM WATER USE PERMIT.

▶ Ms. Janet Lorton, EPC Executive Director, talked about the item. Subsequent to remarks, ▶ **Commissioner Cohen moved approval, seconded by Commissioner Wostal, and carried seven to zero.**

ADJOURN

▶ There being no further business, the meeting was adjourned at 11:44 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 18, 2024

**Subject:** Agency Monthly Activity Report FY2024

**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 January, February, and March FY24

**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**  
**FY24**

		<u>January</u>	<u>February</u>	<u>March</u>	<u>FISCAL YEAR TO DATE</u>
<b>A.</b>	<b>Core Function: Citizen Support</b>				
1	Environmental Complaints Received	148	117	121	698
2	Agency-wide Public Record Request (Note: does not include division-specific record requests)	11	21	29	121
<b>B.</b>	<b>Core Function: Air &amp; Water Monitoring</b>				
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	98.1%	98.6%	97.1%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	93.6%	99.7%	98.6%	N/A
3	Number of Noise Monitoring Events	0	3	2	12
<b>C.</b>	<b>Core Function: Environmental Permitting</b>				
1	Permit/Authorization Applications Received	135	146	131	811
2	Applications In-house >180 days	17	13	11	N/A
3	Permits/Authorizations Issued	101	98	128	670
4	Petroleum Cleanup Cases	89	126	137	697
<b>D.</b>	<b>Core Function: Compliance Assurance</b>				
1	Compliance Inspections	323	368	329	1882
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	167	171	120	832
3	Compliance Assistance Letters Issued	178	150	149	899
4	Warning Notices Issued	18	23	16	119
<b>E.</b>	<b>Core Function: Enforcement</b>				
1	New Cases Initiated	5	3	7	33
2	Active Cases	54	48	50	N/A
3	Tracking Cases	62	62	65	N/A



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #7.c.

**Date of EPC Meeting:** April 18, 2024

**Subject:** Pollution Recovery Fund Budget FY2024

**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 24 POLLUTION RECOVERY FUND  
10/1/2023 through 3/31/2024**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 1,367,871	Artificial Reef	\$ 33,852	Minimum Balance	\$ 120,000	
Interest	\$ 25,732	Open Projects	\$ 394,178	Est. FY 25 Budget	\$ 33,852	
Deposits	\$ 458,507			Asbestos Removal	\$ 5,000	
Total	\$ 1,852,109	Total	\$ 428,030	Total	\$ 158,852	\$ 1,265,227

PROJECT		Project Amount	Project Balance
<b>FY21 Projects</b>			
TBW 2D Island Living Shoreline	10131.102063.582990.5370.1350	\$ 49,560	\$ 5,136.30
UNF Multidrug Resistant Bacteria	10131.102063.581990.5370.1353	\$ 50,000	\$ 33,830.49
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	\$ 6,875.35
		\$ 145,160	\$ 63,492.14
<b>FY22 Projects</b>			
Heckman Petro. Assess.	10131.102063.531001.5370.1297	\$ 15,000	\$ 15,000.00
		\$ 15,000	\$ 15,000.00
<b>FY24 Projects</b>			
Lake Magdalene Grass Carp Barrier	10131.102063.582990.5370.1360	\$ 20,258.72	\$ 20,258.72
H.C. Ext. Svc. - Pesticide Collection	10131.102063.581990.5370.1361	\$ 48,000	\$ 48,000.00
River Hills Nature Trail	10131.102063.582990.5370.1362	\$ 11,869.50	\$ 11,869.50
COT - Invasives Removal	10131.102063.581001.5370.1363	\$ 50,000	\$ 50,000.00
USF - E. Coli Impacts	10131.102063.581990.5370.1364	\$ 50,000	\$ 50,000.00
Reed Park Stormwater Rest.	10131.102063.582990.5370.1365	\$ 49,621	\$ 49,621.00
ERI MacDill AFB Mangrove Rest.	10131.102063.582990.5370.1366	\$ 50,000	\$ 50,000.00
		\$ 279,749.22	\$ 279,749.22



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #7.d.

**Date of EPC Meeting:** April 18, 2024

**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 JANUARY 18, 2024 EPC COMMISSION MEETING**

<b>EPC Case No.</b>	<b>Date Opened</b>	<b>Case Type</b>	<b>Case Style</b>	<b>Division</b>
24-EPC-001*	02-09-24	Administrative	EPC v Siham Ali Jaber	Waste
24-EPC-002	02-13-24	Administrative	EPC v Jose Ramos, Trustee of the Ramos Separate Property Trust Dated December 30, 2022	Waste
24-EPC-003	02-15-24	Administrative	EPC v. Broadway Quick Mart Inc.	Waste

\*This case closed prior to this EPC Commission Meeting.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #7.e.

**Date of EPC Meeting:** April 18, 2024

**Subject:** Select Performance Measure Goals for 2024

**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 2024. These are tabulated and periodically presented to the Commission in the consent agenda.

**Financial Impact:** No Financial Impact

**List of Attachments:** Table Titled 2024 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.

# 2024 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2021	2022	2023	2024 (1st Qtr)	2024 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	23 days	27 days	23 days	27 days	Less Than or Equal to 30 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	58 days	47 days	78 days	60 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	34 days	31 days	32 days	22 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	93%	97%	99%	98%	Greater Than or Equal to 95%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	97% in 3 Days	99% in 3 Days	99% in 3 Days	99% in 3 Days	Greater Than or Equal to 95% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	98%	98%	100%	92%	Greater Than or Equal to 90%





# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #7.f.

**Date of EPC Meeting:** April 18, 2024

**Subject:** Revision to EPC Rules of Order – Rule 14, regular meeting calendar – second vote

**Agenda Section:** Consent Agenda

**Division:** Administration Division

**Recommendation:** Second vote to amend the EPC Rules of Order in accordance with January 18, 2024, EPC meeting first vote.

**Brief Summary:** At the EPC Commission meeting held on January 18, 2024, the Commission voted to change the frequency of meetings, requiring an amendment to the EPC Rules of Order. The Rules of Order require two votes for any amendments. This vote will be the second vote, making the desired amendment effective.

**Financial Impact:** None

**List of Attachments:** None

**Background:** Pursuant to Rule 14 of the Rules of Order of the Environmental Protection Commission (EPC), the Commission is to meet on the third Thursday of each month at 9 a.m.

At the EPC Commission meeting held on January 18, 2024, the Commission voted to amend the Rules of Order, Rule 14, changing the frequency of EPC meetings from monthly to four times per year with a 2024 meeting schedule of January, April, August, and October based on historical and contractual agency needs. Further, the Commission voted to change the start time of EPC meetings from 9:00 a.m. to 10:00 a.m.

The EPC Rules of Order must be amended by vote at two separate meetings pursuant to Rule 29. A vote to amend the rules during this meeting would be considered the second and final vote making the amendment to Rule 14 effective. See proposed amendment to Rule 14 below:

*REDLINE DRAFT-*

REGULAR MEETINGS. Regular meetings of the Commission shall be held four times per year on the 3rd Thursday of ~~each~~the month, convening at 9:00:00 A.M. ~~except when a holiday conflicts.~~ The meetings are to be held in January, April, August, and October, unless the Commission directs differently.

*CLEAN DRAFT-*

REGULAR MEETINGS. Regular meetings of the Commission shall be held four times per year on the 3rd Thursday of the month, convening at 10:00 A.M. The meetings are to be held in January, April, August, and October, unless the Commission directs differently.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #7.g.

**Date of EPC Meeting:** April 18, 2024

**Subject:** Adjustment to Executive Director's Procurement Authority

**Agenda Section:** Regular Agenda

**Division:** Administration Division

**Recommendation:** Adjust the Executive Director's procurement limit to enter into contracts for goods and services from \$100,000 to \$250,000, subject to budgetary constraints. Also, authorize that the procurement limit be updated automatically in accordance with any future increases authorized for the County Administrator.

**Brief Summary:** Currently, the Executive Director has authorization to initiate and enter into contracts for goods and services not to exceed \$100,000, subject to budgetary constraints without Commission action. Approval of this request would increase the Executive Director's procurement limit to \$250,000, which would align with the County Administrator's current procurement limit.

**Financial Impact:** No Financial Impact

**List of Attachments:** None

**Background:** In 2006, the Commission voted to authorize the Executive Director to enter into contracts for goods and services not to exceed \$100,000, subject to budgetary constraints. The BOCC had granted similar authority to the County Administrator. The BOCC has since raised the County Administrator's procurement limit to \$250,000. This request would align the Executive Director's procurement limit with the County Administrator, including execution of contracts/agreements.

Staff is also requesting that the Executive Director's procurement limit be updated automatically in accordance with any future increases to the County Administrator's procurement limit.



## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

Agenda Item #7.h.

**Date of EPC Meeting:** April 18, 2024

**Subject:** Request for authority to take appropriate legal action against Broadway Quick Mart Inc. and Jose Luis Ramos, Trustee of the Ramos Separate Property Trust Dated December 30, 2002.

**Agenda Section:** Consent Agenda

**Division:** Waste Division

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

**Brief Summary:** Jose Luis Ramos, Trustee, owns property located at 6925 East Broadway Avenue, Tampa. A retail fuel station operated as Broadway Quick Mart Inc. (Operator), exists on the property. The facility includes four underground storage tanks (UST). The facility has several violations of applicable State of Florida rules regarding USTs under which the EPC has contracted authority. The required work to correct the violations has not been completed and the property owner and Operator remain responsible for corrective actions and to comply with Citations of Violation and Orders to Correct issued in February 2024. The Operator and property owner are currently not in compliance with the applicable UST rules and staff requests authority to take legal action.

**Financial Impact:** Funding for litigation can vary. The EPC may utilize general fund and Waste Division contract funds to support the litigation. The EPC will seek to recover the costs of any litigation.

**List of Attachments:** None

**Background:** The EPC, through a contracted program with the Florida Department of Environmental Protection (FDEP), conducts compliance and enforcement actions in Hillsborough County concerning Underground Storage Tanks (UST). The EPC also has authority for this action under its Enabling Act, Chapter 84-446, Laws of Florida, as amended and the EPC has adopted in EPC Rule Chapter 1-12, Storage Tank Rule, the standards and criteria from FDEP Rule Chapter 62-761, F.A.C. to address this type of UST violation.

The Respondent Jose Luis Ramos, Trustee of the Ramos Separate Property Trust Dated December 30, 2002, owns property located at 6925 East Broadway Avenue, Tampa, Florida, folio # 159720-0500. A retail gasoline station operated by Broadway Quick Mart Inc. (Operator), is located on the Property. On August 3, 2023, an anonymous complaint was received by EPC regarding the facility. The EPC Storage Tank Compliance staff conducted a complaint inspection at the facility the same day and observed free product (gasoline) bubbling up from under the concrete in the tank pad area. It was determined that the facility had a large discharge of an unknown quantity of petroleum product due to a failure of the underground storage tank system. The facility estimated that the discharge was at least 700 gallons. Subsequently, a Discharge

Report Form was filed on August 4, 2023, which required the initiation of a Site Assessment and subsequent submittal of a Site Assessment Report. EPC staff have requested product inventory documentation to have a more accurate account of the discharge. The facility also was required to perform integrity testing of each component of the storage tank system within three days of a discharge. Inventory records and complete integrity test results have not been provided to date.

Inspections of the property conducted on November 1, 2022 and August 3, 2023, revealed several violations of applicable UST rules under which the EPC has contracted authority. Specifically, the Operator and property owner have failed to comply with the following rules:

- a. Section 62-761.420(2), F.A.C. – Failure to maintain current financial responsibility for the storage tank systems. Pursuant to section 62-761.801,F.A.C., storage tank systems with a lapse in financial responsibility for a period of 90 days or more are required to be properly closed.
- b. Section 62-761.600(4), F.A.C. – Failure to meet release detection standards.
- c. Section 62-761.700(1), F.A.C. – Failure to repair or isolate a component or piping that has caused a discharge or release.
- d. Section 62-761.500(7), F.A.C. - Failure to submit required annual operability testing of the overfill protection devices for 2023.
- e. Section 62-761.500(4)(b), F.A.C. - Failure to maintain fill box covers according to requirements.
- f. Section 62-761.600(1)(f), F.A.C. - Failure to maintain release detection per manufacturer’s instructions or standards.
- g. Section 62-761.430, F.A.C. - Failure to perform investigation into the presence of fuel in the diesel tank interstice within 14 days.
- h. Section 62-761.700(3), F.A.C. - – Failure to perform periodic integrity testing of the secondary containment within required timeframes.
- i. Section 62-761.600(1)f, F.A.C. - Failure to install, maintain and operate the release detection device per manufacturer’s standards.
- j. Section 62-761.440(6)(b), F.A.C. - Failure to immediately take action to contain, remove and abate the discharge.
- k. Section 62-761.440(6)(c), F.A.C. - Failure to perform integrity testing of each component of the storage tank system within three days of a discharge unless the storage tank system has been properly placed out of service.

The required work to correct the violations has not been completed and the Operator and property owner remain responsible for corrective actions. A Citation of Violation and Order to Correct was issued to the Operator on February 6, 2024 and to the property owner on February 7, 2024, for the failure to address the UST rule violations. The Operator and property owner remain out of compliance with the applicable laws and rules concerning underground storage tanks in Hillsborough County.

The EPC staff request the Commission grant staff authority to take appropriate legal action, including but not limited to filing a civil lawsuit, and to authorize the Executive Director to enter into any potential settlement.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #7.i.

**Date of EPC Meeting:** April 18, 2024

**Subject:** Request for authority to take appropriate legal action against Hillrise Enterprises, LLC.

**Agenda Section:** Consent Agenda

**Division:** Waste Division

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

**Brief Summary:** Hillrise Enterprises, LLC owns real property located at 1102 East Laura Street, Plant City, Florida, folio #206699-0000. On August 1, 2020, three (3) 2,500-gallon leaded gasoline underground storage tanks (USTs) and one (1) 1,500-gallon kerosene UST were closed in place at the property. On April 21, 2021, the EPC received a Tank Closure Assessment Report that revealed petroleum-contaminated soil at the property. On May 18, 2021, the EPC received a Discharge Report Form (DRF) from the property owner for the contaminated soil. Pursuant to Chapter 62-780, Florida Administrative Code (F.A.C.), a site assessment must be performed and a Site Assessment Report (SAR) must be timely submitted for the discharge. No SAR was submitted and on November 7, 2023, a Citation of Violation and Order to Correct was issued against the property owner for the failure to submit the SAR. The EPC has made several attempts to negotiate a settlement with the property owner, however, there has been no adequate response.

**Financial Impact:** Funding for litigation can vary. EPC may utilize general fund and Waste Division contract funds to support the litigation. EPC will seek to recover the costs of any litigation.

**List of Attachments:** None

**Background:** The Environmental Protection Act of Hillsborough County, Chapter 84-446, Laws of Florida, as amended (EPC Act), Chapters 376, and 403, Florida Statutes, authorize and empower the Environmental Protection Commission of Hillsborough County (EPC) to enforce rules and regulations to protect, control, abate, and prohibit pollution in Hillsborough County. The EPC is also contracted to conduct petroleum cleanup regulatory authority on behalf of the Florida Department of Environmental Protection (FDEP).

Hillrise Enterprises, LLC, owns real property located at 1102 East Laura Street, Plant City, Florida, folio #206699-0000. On August 1, 2020, three (3) 2,500-gallon leaded gasoline underground storage tanks (USTs) and one (1) 1,500-gallon kerosene UST were closed in place. On April 21, 2021, the EPC received a Tank Closure Assessment Report that revealed petroleum-contaminated soil in the UST area located west of the building. On May 18, 2021, the EPC received a Discharge Report Form (DRF) from the property owner for the contaminated soil. On May 19, 2021, the EPC issued a letter to the property owner requesting that a site assessment be performed, and a Site Assessment Report (SAR) be submitted in accordance with

the requirements of Chapter 62-780, F.A.C.. As the above-referenced property remains out of compliance pertaining to the State and EPC's petroleum contamination regulations, the EPC is pursuing enforcement. On November 7, 2023, a Citation of Violation and Order to Correct was issued against the Respondent for the failure to submit a SAR. On June 21, 2021, the EPC sent a follow up letter to the property owner requesting the SAR be submitted no later than February 14, 2022. The EPC notes the following violation of EPC adopted rules.

- Section 62-780.600(7), F.A.C. – Failure to provide the professionally certified Site Assessment Report (SAR) within 270 days of the petroleum discharge discovery date.

The required work to correct the violation has not been completed and the property owner remains responsible for corrective action. The property owner remains out of compliance with the Citation and the applicable laws and rules governing or pertaining to petroleum contamination in Hillsborough County.

The EPC staff request the Commission grant staff authority to take appropriate legal action, including but not limited to filing a civil lawsuit, and to authorize the Executive Director to enter into any potential settlement.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #9.a.

**Date of EPC Meeting:** April 18, 2024

**Subject:** Radon Study Presentation

**Agenda Section:** Regular Agenda

**Division:** Air Division

**Recommendation:** Informational Report

**Brief Summary:** In 2021, the EPC Commission approved an additional round of monitoring to be conducted to further assess the potential impact of radon and dust in the community surrounding the phosphogypsum stack at the Mosaic Riverview site in Riverview, FL. This study, which serves as a follow up to the original studies completed in 2010 and 2013, was contracted with the Florida Department of Health Bureau of Radiation Control to conduct ambient air radon monitoring from July 2022 to June 2023. As a part of the completed contract, FDOH has provided a final report which summarizes the findings of the study.

**Financial Impact:** No additional funds required.

**List of Attachments:** None.

**Background:** The original studies that were conducted in 2010 and 2013 were a part of a Condition of Development of Regional Impact (DRI) # 242 that required Mosaic to conduct dust and radon monitoring at previously identified locations surrounding their phosphogypsum stack (including expansion area) near Riverview, FL. The original studies did not identify a significant impact from the stack to the neighboring communities. With the changes and increased size of the phosphogypsum stack at the Mosaic Riverview site, the EPC Commission requested an additional round of radon and dust monitoring to assess potential impacts to the surrounding community. EPC coordinated with Mosaic to be granted site access to the Mosaic Riverview site and with the School District of Hillsborough County to be granted access to three schools located nearest to the phosphogypsum stack. EPC contracted with FDOH to have the Bureau of Radiation Control perform four 90 day monitoring periods at the selected sites to assess ambient radon and gamma radiation levels. EPC also established a collocated dust monitor at a selected school site to provide ambient dust comparison data for the area surrounding the phosphogypsum stack. This third phase of the study was funded through the EPC Pollution Recovery Fund as approved by the EPC Commission in 2021.

The results of the study indicated that generally low radon levels exist around the area, and the schools again had readings lower than the control site over 4 miles away. The FDOH report concluded that: "[n]one of the measurements taken in this project would suggest remedial actions...." The additional monitoring confirmed the original studies findings that indicated the stack operations were not significantly impacting the local area in regards to dust or radon.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item #9.b.

**Date of EPC Meeting:** April 18, 2024

**Subject:** Wetlands Division Informational Presentation

**Agenda Section:** Regular Agenda

**Division:** Wetlands Division

**Recommendation:** Informational Report

**Brief Summary:** At the request of Commissioner Myers, staff will present the Commission with an overview of the Wetlands 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 Wetland Division environmental programs. Specifically, this presentation will provide a brief overview of Development Services, Impact & Mitigation, Wetland Delineation, Delegated Programs, Phosphate, and Compliance/Enforcement. The Wetlands Division is responsible for protection the environment as it relates to wetlands and surface waters. This includes any activity in, on, or over wetlands and/or surface waters. These activities can be as small as a single-family docking structure and as large as developed communities.