

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
SITTING AS THE
ENVIRONMENTAL CONTROL BOARD

BOARD APPOINTMENT SUMMARY

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Meeting Date: February 11, 2020
Department: Florida Department of Health in Palm Beach County
Submitted by: Legal Department
Advisory Board Name: Environmental Control Hearing Board
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Appointment of one (1) and reappointment of one (1) member to the Environmental Control Hearing Board for a term of three (3) years beginning February 11, 2020 to February 10, 2023.

<u>NOMINEE:</u>	<u>SEAT #:</u>	<u>REQUIREMENT:</u>	<u>NOMINATED BY</u>
Gary S. Betensky	1	Attorney	PBC Bar Association
Terrence R. Horan	5	Engineer	Florida Engineering Society, PBC Chapter

Summary: The Board is composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two (2) citizens-at-large not holding elective office.

The applicant for appointment to Seat #1, Gary S. Betensky is an Attorney and recommended by the Palm Beach County Bar Association and the re-appointment to Seat #5, Terrence R. Horan is an Engineer and recommended by the Florida Engineering Society, PBC Chapter. With this approval, the Board will consist of five members: five (5) Caucasian (100%). The gender ratio (female: male) is 0:5. Countywide (HH).

Background and Justification: Chapter 77-616, as amended, provides for the organization of the Environmental Control Hearing Board. This Special Act states that the composition of this Board shall consist of an attorney, a doctor, an engineer, and two citizens of Palm Beach County. The Hearing Board hears and conducts hearings into the merits of alleged violations to sections promulgated under Chapter 77-616 (Environmental Control Act). Palm Beach County Resolution 92-123 establishes the terms for the members of the Environmental Control Hearing Board.

Attachments:

1. Board/Committee Applications for Terrence Horan and Gary Betensky
2. Resumes for Terrence Horan and Gary Betensky
3. Attendance Records- 3 year term for Terrence Horan
4. Recommendation Letters- Florida Engineering Society and PBC Bar Association
5. ECHB Member List
6. Article 2, Unified Land Development Code

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Recommended by:  1/17/2020
Department Director Date

Legal Sufficiency:  1-21-20
Assistant County Attorney Date

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used in considering your nomination. Please COMPLETE SECTION II IN FULL. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: Environmental Control Hearing Board Advisory Not Advisory
 At Large Appointment or District Appointment /District #: _____
Term of Appointment: 3 Years. From: _____ To: _____
Seat Requirement: Attorney Recommended by PBC Bar Association Seat #: 1
 *Reappointment or New Appointment
or to complete the term of _____ Due to: resignation other
Completion of term to expire on: _____

***When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____**

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: BETENSKY GARY S
Last First Middle
Occupation/Affiliation: Attorney
Owner Employee Officer
Business Name: Day Pitney, LLP
Business Address: 250 Australian Avenue South – Suite 1504
City & State West Palm Beach, FL Zip Code: 33401
Residence Address: 17936 Villa Club Way
City & State Boca Raton, FL Zip Code: 33496
Home Phone: (561) 558-2930 Business Phone: (561) 803-3500 Ext. 3517
Cell Phone: (954) 805-3087 Fax: (561) 790-8779
Email Address: gbetensky@daypitney.com

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)
OR

NONE NOT APPLICABLE/ (Governmental Entity)

ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, **Article XIII**, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

- By watching the training program on the Web, DVD or VHS on January 15, 2020
- By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature:  Printed Name: Gary Betensky Date: January 16, 2020

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 355-1915.

Return this FORM to:
{Insert Liaison Name Here}, {Insert Department/Division Here}
{Insert Address Here}

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used in considering your nomination. Please COMPLETE SECTION II IN FULL. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: Environmental Control Hearing Board Advisory Not Advisory
 At Large Appointment or District Appointment /District #: _____
Term of Appointment: 3 Years. From: 2/3/20 To: 2/3/23
Seat Requirement: Engineer Member Seat #: _____
 *Reappointment or New Appointment
or to complete the term of _____ Due to: resignation other
Completion of term to expire on: _____

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Section II (Applicant): (Please Print)
APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Horan Terrence R
Last First Middle
Occupation/Affiliation: Engineer/ Florida Engineering Society
Owner Employee Officer
Business Name: Terracon
Business Address: 1225 Omar Road
City & State West Palm Beach, Florida Zip Code: 33404
Residence Address: 7745 W Lake Dr
City & State Lake Clarke Shores, Florida Zip Code: 33405
Home Phone: () Business Phone: ((561) 494 7046 Ext. _____
Cell Phone: (561) 371 8785 Fax: (561) 689 5955
Email Address: terry.horan@terracon.com

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No X
If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

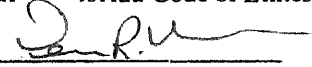
<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____
(Attach Additional Sheet(s), if necessary) OR			
NONE	<input checked="" type="checkbox"/>	NOT APPLICABLE/ (Governmental Entity)	<input type="checkbox"/>

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By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

- x By watching the training program on the Web, DVD or VHS on December 13, 2016
- By attending a live presentation given on _____, 20__

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & Stat Florida Code of Ethics:

*Applicant's Signature:  Printed Name: Terrence R. Horan Date: 12/13/19 _____

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 355-1915.

Return this FORM to:
{Insert Liaison Name Here}, {Insert Department/Division Here}
{Insert Address Here}

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____



GARY S. BETENSKY

PARTNER

One Clearlake Centre, Suite 1504
250 Australian Avenue South
West Palm Beach, Florida 33401
T: (561) 803 3517
F: (561) 803 5300
gbetensky@daypitney.com

RELATED SERVICES

Complex Commercial
Litigation
Products Liability and Torts
Litigation
Mass Tort Litigation
Employment Litigation

RELATED INDUSTRIES

Intellectual Property
Litigation
Real Estate Litigation

OVERVIEW

Gary Betensky, a seasoned litigator, represents clients in complex business disputes and dispute resolution in his civil trial practice. He is distinguished as a specialist and expert through his board certification by The Florida Bar in business litigation law, which recognizes special knowledge, skills and proficiency in business litigation law, professionalism and ethics.

Gary has more than 35 years of experience in the trial, litigation and resolution of complex matters that include representing clients in matters involving allegations of fraud and interference with business relationships, violations of non-compete agreements and theft of trade secrets, and defamation. He represents clients in officer and director liability and employment law matters, as well as company member disputes. He also represents clients in defense of SEC, Attorney General and state financial regulatory investigations and bar complaints. In addition, Gary has successfully handled numerous significant personal injury, nursing home negligence and product liability claims for both plaintiffs and defendants, as well as a civil rights class action case that resulted in a multi-million-dollar settlement.

EXPERIENCE

- Successfully prosecuted clients' claims against former employer for non-payment of earned commissions and successfully defended clients against former employer's claims that clients violated non-competition agreements and misappropriated trade secrets; obtained ruling from court that bifurcated the case to proceed to trial on clients' claims of non-payment of contractual commissions before continued litigation of former employer's claims, prevailing at trial on clients' contractual claims, nullifying the claims of the former employer and awarding client damages and attorney fees of \$1.2 million
- Successfully settled matter for prominent marketing firm against two former employees, both officers, in state court suit for injunctive relief for breach of a non-compete agreement and for misappropriation and theft of trade secrets, and against the successor employer, for conspiracy to misappropriate confidential information, as well as in arbitration against former employees commenced claiming close to \$5M in damages for an alleged unpaid equity position in the company
- Defended several clients in both state and federal court actions (8 cases in total) against product liability claims, including strict liability, negligence, fraud and negligent misrepresentation, where client was alleged to have manufactured, marketed and sold its popular, century old product used as a bowel prep for certain medical procedures such as colonoscopy, while purportedly knowing that the product was unreasonably dangerous and that its ingestion caused acute renal failure, and also violated FDA labeling and other regulations; cases were transferred or submitted to a

multi-district litigation in Ohio, where they were resolved as part of a global nationwide settlement process

- Prosecuted claim on behalf of client to settlement, where competitor inserted client's registered service mark into the hidden keyword "metatags" on its website in an effort to divert web traffic from client to competitor
- Successfully represented investors against two land development entities following their loss of a \$1.25 million investment to develop property where the defendants failed to repay the investment plus a contractually promised preferred return; despite defendants assertion of a number of defenses, including an allegation that the two individual investors had not signed the final version of the investment agreement which forced a reformation action, and following extensive investigation and discovery, the trial court entered a final summary judgment in favor of the investors on all claims for the full sum sought \$5.53 million against the defendants
- Negotiated an extensive and favorable settlement agreement ultimately approved by the federal court judge overseeing the receivership for two brothers being sued in state and federal court in Florida and California by the receiver in a widely-publicized Ponzi scheme case originally initiated by the Securities and Exchange Commission against a record label and its principals
- Successfully represented several successful prominent Haitian businessmen in defamation lawsuits in federal court against a widely-distributed Haitian newspaper and popular Florida-based Haitian news website, where the defendants made highly defamatory and false statements about the clients; secured judgments against the defendants for over \$10 million
- Successfully challenged the constitutionality of the Broward Sheriff's Office strip search policy, which mandated the strip search of all misdemeanor arrestees regardless of whether the arrests involved weapons, drugs or stolen property, under then-Sheriff Kenneth C. Jenne in a certified class action lawsuit that was upheld on appeal by Florida's Fourth District Court of Appeal; Arduous and complicated settlement negotiations that spanned over a year culminated in an \$11.5 million settlement

INSIGHTS

- Presenter, "Gary Betensky Presents American Jewish Committee Advocacy in Action Keynote Speech," American Jewish Committee (AJC) Advocacy in Action, Boca Raton, FL, December 12, 2019
- Co-author, "Telemarketing Cost-Effective But Can Spell Disaster," *Daily Business Review*, March 8, 2013

NEWS

- Mentioned, "11th Circ. Revives Haitian Businessman's Defamation Suit," *Law360*, June 21, 2019
- Featured, "Day Pitney LLP: Firm Expands to Better Serve South Florida Clients," *The Boca Raton Observer*, March 2019
- Featured, "Day Pitney and Richman Greer Complete Merger, Further Expanding Presence in Florida," *Day Pitney Press Release*, January 1, 2019
- Featured, "Gary Betensky Reappointed to Serve on The Florida Bar's Professional Ethics Committee," *Day Pitney Press Release*, September 26, 2018
- Featured, "Gary Betensky Reappointed to the Executive Committee of the Ambassadors Board of Nova Southeastern University," *Day Pitney Press Release*, September 26, 2018
- Featured, "Gary Betensky Recertified," *Day Pitney Press Release*, December 19, 2017
- Featured, "Gary Betensky Receives Special Commendation for His Pro Bono Work Representing Children," *Day Pitney Press Release*, June 20, 2017
- Featured, "Gary Betensky Reappointed to the Executive Committee of the Ambassadors Board of Nova Southeastern University," *Day Pitney Press Release*, June 20, 2017

- Mentioned, "Gag Order on Hologram USA Founder Alki David Rejected as Unconstitutional," *The Hollywood Reporter*, January 6, 2016
- Featured, "Gary S. Betensky Reappointed to Serve on The Florida Bar's Professional Ethics Committee," *Day Pitney Press Release*, May 6, 2015
- Featured, "Richman Greer Uses Winning Strategies to Obtain Substantial Personal Injury Settlement," *Day Pitney Press Release*, January 26, 2015
- Featured, "Richman Greer Attorneys Obtain \$1 Million in Damages for Prominent Businessman in Defamation Lawsuit," *Day Pitney Press Release*, August 6, 2014

EDUCATION AND CREDENTIALS

EDUCATION

- Nova Southeastern University Shepard Broad Law Center, J.D.; *The Law Review*, Notes and Comments Editor; Moot Court Board, Officer
- Boston University, B.S.

ADMISSIONS

- State of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. Court of Appeals for the Eleventh Circuit

AFFILIATIONS

- American Bar Association, Litigation Section, Business Torts and Unfair Competition Committee
- The Florida Bar, Professional Ethics and Grievance Committees, Former Chair
- Palm Beach Judicial Campaign Practices Commission, Appointed
- American Jewish Committee, Palm Beach Regional Office, Executive Committee and Board of Directors, Past President
- Anti-Defamation League, Florida Regional Board, Former Chairman; National Commissioner
- Leadership Broward County, Graduate

RECOGNITION AND COMMUNITY

RECOGNITION

- Board Certified by the Florida Bar in Business Litigation
- Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.), Commercial Litigation and Real Estate Litigation, 2010-2018
- Selected to the list of Florida *Super Lawyers* (Thomson Reuters), Business Litigation and Intellectual Property, 2006-2018
- Selected to the list of "Most Effective Lawyers" by *Daily Business Review*, 2008
- Commendation from the Florida Supreme Court and the Legal Aid Society of Palm Beach County for pro bono work
- AV Preeminent rated by Martindale-Hubbell (LexisNexis)

No aspect of these advertisements have been approved by the highest court of any state. See Awards Methodology.

COMMUNITY

- Nova Southeastern University, Ambassadors Board, Executive Committee

Terrence R. Horan, PE
7745 West Lake Drive, Lake Clarke Shores, FL 33406
561.371.8785; Terryfl01@yahoo.com

EDUCATION

1992 BS, Environmental Engineering, University of Florida

EMPLOYMENT HISTORY

2014 – present Branch Office Manager, ECS Florida, LLC
2012 – 2014 Senior Manager, ENVIRON International Corporation
2007 – 2012 Director of Environmental Engineering, Office Manager West Palm Beach
ES Consultants, Inc. / SCS Engineers
1997 - 2007 Project Manager, Environmental Department Manager
HSA Engineers & Scientists/ Conestoga-Rovers & Associates
1996-97 Engineer, On-Site Environmental Staffing (Blasland, Bouck & Lee, Inc.)
1993-96 Engineer and Project Manager, U.S. Environmental Group, Inc.

REGISTRATIONS & CERTIFICATIONS

Licensed Professional Engineer: Florida, no. 54815

OSHA 40-hour Hazardous Waste Operations & Emergency Response (HAZWOPER), 1993

EXPERIENCE

Mr. Horan has 23 years of experience in environmental assessment and remediation, with an emphasis on the design, installation, operation, and maintenance of remedial systems. He has managed site assessments, remedial investigations, feasibility studies and remediation projects for private sector, municipal, and state and federal agency clients. His professional experience includes the following:

Site Investigation and Remediation

- Designed and implemented soil and groundwater investigations of former car rental sites at 8 airports throughout Florida and negotiated cleanup with Responsible Parties for the Florida Petroleum Preapproved Advanced Cleanup Program.
- Responsible for assessment of the soil and groundwater at parcels of the Miami Herald property. The historical property uses included a chemical plant, drycleaner, service station, vehicle maintenance, and boat maintenance. Soil impacted with metals, PAHs, and petroleum products at concentrations exceeding Miami-Dade County guidance levels was delineated and removed for off-site disposal. A total of approximately 2,300 cubic yards of impacted soil was removed from over 15 excavations across the site. Contaminant concentrations in the groundwater were reported below the human health cleanup target levels. Negotiated conditional site closure, including engineering controls for the remaining impacted soils.
- Managed and implemented soil and groundwater investigations at energized electrical substations that were impacted with arsenic from legally-applied pesticides. Responsibilities included: soil and groundwater assessment and routine monitoring, aggregate risk assessment, development of site-specific soil cleanup target levels, statistical analysis of environmental data, frequent coordination with regulatory agency, preparation of remedial actions plans, groundwater remediation design and

implementation (pump and treat system using activated alumina and in-situ chemical injections), and source removal.

- Directed a multi-year contract for various Miami-Dade County Departments on environmental assessment and remediation projects. The objective of the contract was to obtain site closure (NFA or NFA with Conditions) in accordance with State and County regulations. One of these projects included remediating surficial soil within a public housing apartment complex in Liberty City, Florida. After completing the soil and groundwater assessment, it was evident that contamination existed in surficial soil covering virtually all the unpaved areas of the 5.3-acre development, and that widespread source removal was warranted to prevent direct exposure to the contaminants by residents. A Work Plan was developed that accounted for removal of contaminated soil in a residential area, in many areas within feet of the front door of apartments. The project was completed in nine weeks with 1,900 cubic yards of soil removed from approximately 82,500 square feet of unpaved surfaces surrounding the public housing complex.
- Managed and implemented the Biscayne Landing (Munisport Landfill) groundwater remediation pilot project. Conducted bench and pilot-scale treatability studies to demonstrate the effectiveness of *in situ* nitrification/denitrification treatment. Used a combination of pulse sparging air and a dilute sugar solution to reduce the ammonia levels in groundwater beneath the site to below regulatory standards. Constructed and operated a prototype *in situ* remediation system to further demonstrate the technology at the site and to provide data for a full-scale design.
- Managed and implemented dewatering treatment during the Miami Airport Link Metrorail Extension Project. Dewatering was required to construct the foundations for the metrorail columns. The project involved treating the dewatering effluent at parcels with groundwater contamination. Within one-week of notice-to-proceed, a 1,500 gpm treatment system consisting of over 100,000 gallons of sedimentation tanks, 45,000 pounds of granular activated carbon, and bag filters, designed to remove metals and petroleum products, was mobilized to the site. The system was started-up and operated around the clock for approximately ten days. On a second contaminated site, a 1,000 gpm treatment system was operated for removal of heavy metals and turbidity, with final discharge to an onsite storm water system. The projects also included preparing the required dewatering permit modifications for the contaminated parcels.
- Managed and implemented bench-scale testing and feasibility analyses of arsenic impacted soil and groundwater at multiple agricultural sites in Florida. Mechanical blending experiments were conducted with different concentration and cation content soils and groundwater treatability studies were conducted to evaluate the effectiveness of chemical precipitation using alum and ferric chloride, including pH adjustment with lime addition.
- Managed and implemented a 4-phase cleanup (HEPA vacuum, wet wipe, encapsulate, and paint) of all surfaces within an assembly building impacted by cadmium dust at the Kennedy Space Center, Florida.
- Managed the assessment/remediation at drycleaner sites involved in the Florida Drycleaner/ Hazardous Waste Cleanup Program, including remedial design, performance evaluations, and O&M at active remediation sites using air sparge/ soil vapor extraction (AS/SVE) groundwater treatment systems with and without chemical injections (ISCO/ ISCR).
- Managed removal and environmental closure of 60 USTs/ASTs, ranging in size from 50 to 86,000 gallons at the Kennedy Space Center, Florida. The former tank contents included: hypergolic fuels, solvents, diesel fuel, used oil, and gasoline.

- Prepared a Spill Prevention Control and Countermeasures Plan (SPCCP) for the bulk fuel storage facility at the Miami International Airport, Florida; and supervised removal and environmental closure of a 1,600,000-gallon Jet Fuel AST.
- Responsible for the removal, modification and installation of UST systems in Naples, Florida. This project included electronic fuel management, monitoring and reporting systems and automated fuel access and control systems.

Phase I Environmental Assessments and Environmental Due Diligence

- Conducted and directed Phase I environmental assessments and environmental compliance audits of over two hundred properties, including waste treatment, storage, and disposal facilities; boat and aircraft manufacturing and maintenance facilities, metal plating plants, printing facilities, and various manufacturing facilities.
- Responsible for Comprehensive Facility Investigations of over 400 facilities at the Kennedy Space Center. Responsibilities included: reviewing engineering documents, performing facility inspections, identifying regulatory and environmental concerns, interviewing facility personnel, preparing detailed technical reports, and recommending corrective actions.

Water Resources Investigations

- Directed the investigation and remediation of the former Lamb Island Dairy property to minimize phosphorus discharging from the property. Designed and constructed a surface water containment and wetland treatment system, and alum amendment of residual manure waste and pond waters.
- Modified the existing treatment system and designed/constructed new components (pumps, berms, and a slow sand filter) to minimize phosphorus discharging from the Milking R Dairy property in Okeechobee, Florida.
- Managed operations of a Microfiltration and Serial Filtration pilot study to remove fecal coliform from Lake Okeechobee. Evaluated the pilot data and estimated capital and O&M costs for a 5-MGD MF system.
- Operated an Ultrafiltration Pilot System to evaluate phosphorus removal from Everglades Agricultural Area stormwater runoff.
- Conducted pilot testing for the Chemical Treatment Followed by Solids Separation Supplemental (CTSS) Technology Demonstration Project. Implemented a nine-month pilot study investigating the use of chemical treatment to reduce the total phosphorus concentrations from stormwater runoff ultimately being discharged into the Everglades National Park. Water treatment techniques evaluated included coagulation, flocculation, clarification and filtration. Completed conceptual design and cost estimates for facilities ranging from 80 to 390 MGD.
- Managed a chemical treatment and solids separation pilot study to remove phosphorus from urban basin canal waters in Palm Beach and Broward County, Florida.
- Operated and managed the Microfiltration Superior Technology Demonstration Project pilot study for removal of phosphorus from canal waters of the Everglades Nutrient Removal (ENR) project in Florida. Responsibilities included completing conceptual designs and cost estimates for facilities ranging from 85 to 500 MGD.
- Conducted pump calibration projects throughout the Everglades Agricultural Area. Used a dilute tracer dye and fluorometry to measure the discharge at different pump speeds and developed pump curves to be submitted to the SFWMD.
- Conducted wastewater characterization and water conservation studies for sugar mills in South Florida. Developed conceptual designs of wastewater treatment facilities associated with the proposed expansion of the mill. However, with the potential savings identified through the study, the capacity in the mill's existing wastewater treatment

facilities could be freed up for the expansion. Identified potential sucrose and potable water savings that could increase the mill's annual revenues by up to \$1.75 million per year.

- Evaluated alternatives to reduce or eliminate discharge of elevated levels of nutrients from the Boynton Farms Basin to the Everglades Protection Area (EPA). Responsibilities included: compiling existing data and characteristics of the Boynton Farms Basin, and providing alternatives for meeting long-term water quality goals for discharges to the EPA.
- Managed the construction and installation of hydrologic and meteorologic monitoring stations at surface water and groundwater monitoring sites in Florida, including the installation of new and replacement MOSCAD and CR-10 (Campbell Scientific) Remote Terminal Units (RTUs).

Solid Waste

- Designed a temporary gas collection system consisting of horizontally oriented HDPE pipes for and active landfill in Miami, Florida.
- Evaluated the construction, operational and financial feasibility of vertically expanding an active landfill in Miami, Florida. Responsibilities included: evaluation of design conditions, regulatory position and opinion, and cost analysis (capital costs compared to tipping fee revenue). The study revealed that expanding both cells at the landfill to approximately 270 feet would provide the owner an additional 18 years of disposal capacity and approximately \$300 million in additional tipping fees compared to approximately \$65 million in capital construction cost.
- Designed a landfill gas control system and developed a gas management plan to monitor the site and occupied spaces at a former landfill in Miami, Florida.
- Managed and implemented closure and redevelopment of a former landfill in Miami, Florida. Responsibilities included: waste characterization; waste management/relocation plans; screened solid waste sampling/analysis and opinion of reuse on the project; site-wide sampling and reporting; estimating costs for the groundwater remediation and monitoring, and negotiation with the County bond engineer.
- Responsible for review and statistical analysis of historical groundwater data to provide technical justification for modifications to the monitoring programs of current and former landfills in Miami-Dade County, Florida.
- Managed baseline sampling of recovered screen material (RSM) at a waste to energy plant in Miami, Florida. Evaluated analytical data and provided a technical opinion on reuse of the material. Prepared a sampling plan to monitor contaminants of concern identified in the baseline sampling.
- Responsible for permitting support, site monitoring, developing corrective action plans, pilot testing, and reporting for several lakefill projects in Miami-Dade County, Florida.

PROFESSIONAL AFFILIATIONS & ACTIVITIES

Member, Florida Engineering Society

Member, National Society for Professional Engineers

PUBLICATIONS & PRESENTATIONS

Brown, E., T. Horan, J. Lopez, C. Noble, and M. Shaffer. 2003. Microfiltration Pilot Studies for Aquifer Storage and Recovery Pretreatment. Florida Water Resources Journal. November 2003.

Terrence R. Horan, PE

- Campbell, D., T. Emenhiser, T. Horan, J. Lopez, and E. Shannon. 2000. Chemical Treatment as a Supplement to Natural Systems for Phosphorus Removal. November 2000.
- Emenhiser, T. T. Horan, and E. Shannon. 1998. Phosphorus Removal from Everglades Agricultural Area Stormwaters by Microfiltration: A Pilot Study. April 1998.
- Horan, T. 2005. Biscayne Landing: Groundwater Treatment Process and Progress. Florida Remediation Conference. Orlando, FL. November 8, 2005.
- Horan, T. 2002. Chemical Treatment Pilot Testing Completed. South Florida Water Management District, Water and Wastewater Tertiary Treatment Workshop. February 8, 2002.
- Horan, T. 2004. In-Situ Ammonia Remediation Biscayne Landing, Formerly Known as Munisport Landfill. Florida Remediation Conference. Orlando, FL. November 4, 2004.
- Horan, T. 2003. In-Situ Bioremediation of Ammonia Impacted Groundwater. South Florida Water Management District, Water Treatment Workshop. October 17, 2003.
- Horan, T. 2010. Permitting Challenges of Developing on a Former Landfill. 24th Annual Environmental Permitting Summer School. Naples, FL. July 20, 2010.
- Wozniak, A. et al. 2013. Getting to Closure: The Need for a Paradigm Shift at Groundwater Contaminated Sites. EECMA Conference. Captiva Island, FL. May 2013.

**Environmental Control Hearing Board
2017**

Board Member	Hearing Date 1/26	Hearing Date 3/9	Hearing Date 4/20	Hearing Date 6/1	Hearing Date 7/13	Hearing Date 8/24	Hearing Date 10/5	Hearing Date 11/16	Hearing Date 12/28
<i>T. Horan</i>		√	√	√	√	√	√	√	√
<i>T. Rosecrans</i>				√	√	√	√	√	√
<i>D. Shulan</i>		√	√	√	√	√	√	√	√
<i>D. MacLaughlin</i>		√	√	√	√	√	√	√	√
<i>C. Erskine</i>		√	√	√	√	√	√	√	X

X = not present
√ = present

* Board Hearing for 1/26/17 was cancelled due to no quorum and appointment of Board members.

* Trevor Rosecrans term began 2/1/17, but was not actually appointed until 5/16/17.

**Environmental Control Hearing Board
2018**

Board Member	Hearing Date 2/8	Hearing Date 3/22	Hearing Date 4/26	Hearing Date 6/14	Hearing Date 7/26	Hearing Date 9/6	Hearing Date 10/18	Hearing Date 12/6
<i>T. Horan</i>	X	√	√	√	√	√	√	√
<i>T. Rosecrans</i>	√	√	√	X	√	√	√	√
<i>D. Shulan</i>	√	√	X	√	√	√	√	√
<i>D. MacLaughlin</i>	√	√	√	√	√	√	√	X
<i>C. Erskine</i>	√	√	√	√	√	X	√	X

**Environmental Control Hearing Board
2019**

Board Member	Hearing Date 1/17	Hearing Date 2/28	Hearing Date 4/11	Hearing Date 5/23	Hearing Date 6/27	Hearing Date 8/8	Hearing Date 9/19	Hearing Date 10/31	Hearing Date 12/12
<i>T. Horan</i>	√	√	√	√	√	√	√	√	√
<i>T. Rosecrans</i>	X	√	√	X	√	X	√	√	√
<i>D. Shulan</i>	√	√	√	√	√	√	√	√	√
<i>D. MacLaughlin</i>	√	X	√	√	√	X	√	√	√
<i>C. Erskine</i>	√	√	√	√	√	√	√	X	√

X = not present
√ = present



PALM BEACH COUNTY BAR ASSOCIATION

ESTABLISHED 1922

P.O. BOX 17726
WEST PALM BEACH, FL 33416
TELEPHONE: (561) 687-2800
www.palmbeachbar.org
e-mail: info@palmbeachbar.org

JESSICA CALLOW
PRESIDENT
DEAN T. XENICK
PRESIDENT-ELECT
LINDSAY DEMMERY
ANDREA LEWIS
ROBERT "LEE" McELROY IV
JEAN MARIE MIDDLETON
JACK RICE
GRASFORD W. SMITH
SCOTT B. SMITH
JULIA WYDA
DIRECTORS

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EXECUTIVE DIRECTOR

SCOTT B. PERRY
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IMMEDIATE PAST PRESIDENT
ROSALYN SIA BAKER-BARNES
ROBIN BRESKY
GARY S. LESSER
RONALD P. PONZOLI
EX OFFICIO MEMBERS - FL BAR BOARD OF GOVERNORS MEMBERS
HOLLY GERSHON
EX OFFICIO MEMBER - SOUTH PALM BEACH COUNTY BAR ASSOCIATION PRESIDENT

January 15, 2020

Ms. Barbara L. Sullivan
Information & Security Privacy Coordinator
P.O. Box 29
800 Clematis Street
West Palm beach, FL 33401

Dear Ms. Sullivan:

This is to advise you that the Palm Beach County Bar Association Board of Directors has agreed to appoint Mr. Gary S. Betensky to the Environmental Control Hearing Board.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,

Carla Tharp Brown
Executive Director

Cc: Mr. Gary S. Betensky

FOUNDED 1916



Florida
Engineering
Society

PALM BEACH
CHAPTER

*FES supports engineering education, advocates licensure,
promotes the ethical and competent practice of engineering
and enhances the image and well-being of all engineers in
the state of Florida.*

Sent Via E-mail

Dec 13, 2019

Barbara L. Sullivan
Information Security & Privacy Coordinator
Council to the Environmental
Control Hearing Board Florida
Department of Health in Palm Beach
County Legal Office

Re: Reappointment to PBC Environmental Control Hearing Board

Dear Ms Sullivan,

The Palm Beach Chapter of the Florida Engineering Society would like to reappoint Mr. Terrence Horan, PE, to the PBC Environmental Control Hearing Board.

If you have any questions, do not hesitate to contact me at 561-684-4011 or via email at president@fes.org.

David Cowan, PE
President | Palm Beach Chapter of the Florida Engineering Society

EC: Terrence Horan, PE, Department Manager Environmental Terracon (terry.horan@terracon.com)

Officers

President: David Cowan Jr., PE, LEED AP
Vice President: Alejandra. Schmidt, EI
Secretary: Maria Missena, E.I.

Treasurer: Nicholas Clavelo, PE
State Director: Fattoush Jafar, PE, Ph.D
Past President: Zach Todd, PE



**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
ENVIRONMENTAL CONTROL HEARING BOARD**

I. AUTHORITY :

PBC Environmental Control Act, Chapter 77-616, Section 9, Laws of Florida, Ordinance No. 78-5; as amended by Ordinance No. 79-15; amended by Ordinance No. 85-25; as amended by Ordinance No. 87-22. Unified Land Development Code, Section 4.12, amended by Resolution No. R92-123.

II. APPOINTING BODY :

Board of County Commissioners

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

The Board shall be composed of five (5) members. Membership shall consist of one (1) lawyer, recommended by the PBC Bar Association; one (1) medical doctor, recommended by the PBC Medical Society; one (1) engineer, recommended by the PBC chapter of the Florida Engineering Society; and two (2) citizens at-large. The term of appointments shall be for three (3) years. Appointments to fill any vacancy on the Hearing Board shall be for the remainder of the unexpired term of office. Members shall receive no compensation for their services. Travel reimbursements are limited to expenses incurred only for travel outside PBC necessary to fulfill the responsibilities of membership of the Board.

EXTENDED COMPOSITION :

IV. MEETINGS :

Every forty-five (45) days at 8:30a.m., 800 Clematis, West Palm Beach, FL

V. FUNCTIONS :

To hear and conduct hearings into the merits of alleged violations to sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ordinance No. 78-5, as amended, and to issue injunctive and affirmative relief for violations; and after due public hearing upholding a violation, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform with either or all of the following requirements: (a) to refrain from committing, creating, maintaining, or permitting the violations; (b) to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation; (c) to issue orders imposing civil penalties of up to \$500 for each day of violation; (d) to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and (e) to administer oaths to any or all persons who are to testify before the ECHB.

* indicates a member having an action pending

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

Florida Dept. of Health - Palm Beach Count

CONTACT PERSON

Precious Woods

ADDRESS

800 Clematis St
West Palm Beach FL 33401
Phone # 561-671-4008

* *indicates a member having an action pending*



ENVIRONMENTAL CONTROL HEARING BOARD

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	REAPPOINT DATE	EXPIRE DATE
Appointed By : At-Large/Palm Beach County Board of County Commissioners									
1	Douglas H. MacLaughlin douglasmaclaughlin@aol.com 319 Greenwood Dr West Palm Beach FL 33405	Member	CA	M	561-329-4403	Attorney	01/14/2017		01/13/2020
	NOMINATED BY : Palm Beach County Bar Association								
2	David Shulan ragweed@msn.com 12264 Bear River Rd Boynton Beach FL 33473	Member	CA	M	562-374-9221	Medical Doctor/ER Physician	11/20/2018		11/19/2021
	NOMINATED BY : Palm Beach County Medical Society								
3	Trevor Richard Rosecrans trosecrans@adaeng.net 703 SW 4th Ave Boynton Beach FL 33426	Member	CA	M	561-200-0900	Resident of Palm Beach County	02/01/2017		01/31/2020
	NOMINATED BY :								
4	Carla E. Erskine carla.erskine@gmail.com Ciklin Lubitz & O'Connell 515 N Flagler Dr Ste 2000 West Palm Beach FL 33401	Member	AA	F	561-832-5900	Resident of Palm Beach County	02/01/2017		01/31/2020
	NOMINATED BY :								

* indicates a member having an action pending

Appointed By : At-Large/Palm Beach County Board of County Commissioners

5	Terrence R. Horan thoran@ecslimited.com ECS Florida, LLC 2000 Avenue "P" Ste 3 West Palm Beach FL 33404	Member	CA	M	561-840-3667	Engineer	02/04/2014	02/07/2017	02/06/2020
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NOMINATED BY : Florida Engineering Society - PBC Chapter

* indicates a member having an action pending

3. Board Membership

a. Qualifications

The EAB shall be composed of five members appointed by the Environmental Control Board (ECB). The membership of the EAB shall consist of one professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association. [Ord. 2011-016]

b. Terms of Office

All EAB members shall serve a term of three years. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]

4. Officers

a. Secretary

PBC Environmental Control Officer shall provide a staff person to the EAB and that staff member shall be designated as Secretary of the EAB.

b. Staff

The PBCHD shall be the professional staff of the EAB.

5. Meetings

a. General or Special Meetings

General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

E. Environmental Control Hearing Board

1. Establishment

There is hereby established an Environmental Control Hearing Board (ECHB).

2. Powers and Duties

The ECHB has the following powers and duties:

- a. to conduct hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ord. 78-5, as amended; and
- b. after due public hearing, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform to either or both of the following requirements:
 - 1) to refrain from committing, creating, maintaining, or permitting the violations;
 - 2) to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
 - 3) to issue orders imposing civil penalties of up to \$500 dollars for each day of violation;
 - 4) to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and,
 - 5) to administer oaths to any or all persons who are to testify before the ECHB.

3. Qualifications

The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC chapter of the Florida Engineering Society; and two citizens at large.

4. Officers

a. Secretary

The Environmental Control Officer shall serve as Secretary of the ECHB.

b. Staff

The PBCHD shall be the professional staff of the ECHB.

5. General or Special Meetings

General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.

6. Term Limits

Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]

F. Groundwater and Natural Resources Protection Board

1. Establishment

There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

2. Powers and Duties

The GNRPB shall have the following powers and duties:

- a. to hold hearings as necessary to enforce Art. 14, Environmental Standards. ERM may refer alleged violations of Art. 14 Environmental Standards, and applicable Art. 4.B.10, Excavation Uses, Ord. No. 2003-020, Petroleum Storage Systems, Ord. No. 2003-021, Petroleum Contamination Clean-up criteria, Ord. No. 2004-050, Stormwater Pollution and Prevention, Natural Areas, Ord. No. 1994-014, and Ord. No. 1993-003, Water and Irrigation Conservation as amended to the GNRPB, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected; [Ord. 2006-004] [Ord. 2010-022] [Ord. 2017-007]
- b. to adopt rules of procedure for the conduct of hearings;
- c. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;
- d. to issue subpoenas compelling the provision of evidence at GNRPB hearings;
- e. to take testimony under oath;
- f. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with the violation of Art. 14, Environmental Standards;
- g. to lien property; and,
- h. to assess administrative fines and costs pursuant to Art. 14, Environmental Standards.

3. Board Membership

a. Qualifications

The GNRPB shall be composed of seven members appointed by the BCC upon a recommendation by the organization listed in Table 2.G.3.F, GNRPB Membership. The membership of the Board shall consist of a professional engineer registered by the State of Florida, an attorney licensed to practice in Florida, a hydrologist or a hydrogeologist, a citizen possessing expertise and experience in managing a business, a biologist or a chemist, a member of an environmental organization, and a concerned citizen. [Ord. 2011-001]

Table 2.G.3.F – GNRPB Membership

Affiliation	Organizations
Professional Engineer	Palm Beach Chapter Florida Engineering Society
Attorney	Palm Beach County Bar Association
Hydrologist or Hydrogeologist	Florida Association of Professional Geologists Society
Citizen with Business Management Expertise	At Large
Biologist or Chemist	Florida Association of Environmental Professionals
Environmental Organization	Native Plant Society
Concerned Citizen	At Large
[Ord. 2011-001]	

b. Terms of Office

All members shall serve a term of three years. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]

4. Secretary and Staff

The Director of ERM shall serve as Secretary of the GNRPB. ERM shall be the professional staff of the GNRPB.

5. Meetings

a. General

General meetings of the GNRPB shall be held no more frequently than once every month. Special meetings may be called by the Chair of the GNRPB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each Board member prior to a special meeting.