

## SEPTEMBER 12, 1996 - EPC DRAFT AUDIT - DRAFT MINUTES

The Environmental Protection Commission (EPC) met in Workshop Meeting to discuss the EPC Draft Audit Report, scheduled for Thursday, September 12, 1996, at 1:30 p.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Dottie Berger and Commissioners Joe Chillura, Chris Hart, Ed Turanchik (arrived at 1:43 p.m.), and Sandra Wilson (arrived at 2:28 p.m. due to a family obligation). The following members were absent: Commissioners Phyllis Busansky and Jim Norman (schedule conflict).

Chairman Berger called the meeting to order at 1:42 p.m. Commissioner Hart gave the invocation, which was followed by the pledge of allegiance to the flag. Commissioner Berger read memorandums from Commissioners Norman and Wilson, which explained his absence and her tardiness.

### INTRODUCTION

EPC Counsel Sara Fotopulos said the legislature required the EPC, the Planning Commission (PC), and other local agencies to have a performance audit every four years. The first audit of the EPC was to begin in 1997 and be submitted to the delegation in 1998. That had been changed; the EPC needed to submit its audit report April 13, 1997. At the same time, the Board of County Commissioners (BOCC) of Hillsborough County was interested in having performance audits of several departments, and thought it would be good to have the EPC audit done early--in the same period as the PC, the Building Department, and Planning and Growth Management Department (PGMD). The special act also made provisions for including a written response in the final report to the legislature. The workshop would provide guidance on how to provide that written response to the legislature. Next year, the special act would be recodified during the 1998 legislative session. Once submitted to the legislature next spring, the audit report would be subject to the audit review committee next summer and fall. That report and recommendations would go to the legislative review committee to be dealt with in the 1998 legislative session. Chairman Berger asked why the audit report could not be given to the Legislative Delegation in 1997. Attorney Fotopulos thought the legislative schedule had been set so that it could deal with a certain number of agencies at a time.

### AUDIT PROCESS

Mr. John House, David M. Griffith and Associates, Limited (DMG), reviewed the study methodology and surveys conducted as part of the study and gave DMG's findings on each of the six functional areas. Those groups protected by EPC were positive in their comments; developers and agriculture people had concerns about what EPC was doing; and regulatory people were generally positive and saw no problem at the State level.

DMG had looked at six functional areas, Agency Management and Organization, Management Information Systems (MIS), Air Management, Water Management, Wetlands Management, and Waste Management, into which the results had been rolled. Evaluation of those included the director and his office, the legal department, and finance department, as adjunct or offices that helped the executive director do the directing, controlling, and supervising of the agency.

### AGENCY MANAGEMENT AND ORGANIZATION

Mr. House reviewed the DMG findings, commendations and strengths, and the recommendations for improvement. Commissioner Chillura asked if the employees were aware that the original building was requested to be built without air conditioning and to have only natural ventilation. However, the BOCC had insisted upon temperature control. Mr. Roger Stewart, Executive Director, EPC, recalled that had been in the midst of the energy crisis; he had urged that the designers take advantage of high ceilings, fans, and natural air flow.

Staff Response - Mr. Stewart reported that changes were made where possible, while the audit was ongoing and when items were brought to his attention. Mr. Stewart gave the following staff response.

- Without replacing the system, the problem with the air conditioning might never be resolved.
- The Chief Counsel had met with division chiefs to establish priorities; the process was ongoing.
- It had been noted that the recommendation to communicate budget and financial impact and ensure pay increase distribution was fair and equitable. Every effort would be made to communicate that information to EPC staff during quarterly in-service meetings.
- An ongoing problem had been the length of time to process purchase orders by County purchasing. The director of that department was always cooperative when EPC brought something to his attention.
- Backlogged Waste Management Division enforcement cases would be addressed in that division's presentation.
- On-the-job-training programs for all divisions, modeled after the Air Management Division, would be thoroughly examined and other divisions would adopt the training program as necessary.
- EPC supervisors had been directed to discuss career paths with their subordinates during midterm and annual evaluations. Mr. Stewart explained that he reviewed all evaluations, which gave him an opportunity to be involved.
- Regarding the establishment of a management development program for Wetlands Management and Waste Management Divisions, Mr. Stewart commented that the low morale indicated in those two divisions had a ready and apparent explanation. Staff of the Waste Management Division had been in doubt about their future because of legislative action, which had now been settled; management had changed in the wetlands function, and improvements would be made.

## EVALUATION OF MIS

Mr. House commended MIS for upgrading to the NOVELL System, installing fiber link between the EPC buildings, and restructuring the Internet dial-out and wide-area communications capability. Only two recommendations were made for improvement.

Staff Response - Mr. Stewart said EPC was on track with both recommendations. Mr. Stewart gave the following staff response.

- Retaining experts to evaluate needs and design of GIS continued to be evaluated.
- EPC was well under way converting to Windows '95. Many employees had gone to training.

Commissioner Turanchik reported that the issue of GIS had come up when he chaired the EPC. His unresolved concern was about the proliferation of GIS systems. The PC and EPC wanted to get one; the County had one. Since he knew little about the technology involved, Commissioner Turanchik had found it a difficult topic to discuss. However, he recalled that the intent had been to rely upon the County engineering GIS system as the "backbone" and have the other systems feed into it, so as not to have a total replication of the GIS systems. Commissioner Turanchik did not know if that was happening with the PC, and what was intended for the EPC. Mr. House replied that would be addressed in more depth in the cross-organizational study--which would look at MIS as it crossed the organizations. There was a unique situation with EPC as that agency had to link with the Department of Environmental Protection (DEP) and Southwest Florida Water Management District (SWFWMD), which added another degree of complication to pull everything together. Commissioner Turanchik said the thought had been for EPC to take information from field surveys and field delineations and enter that information directly into the GIS system. When planners looked at a plat they would have that information, or conversely, depending on which came first. Chairman Berger said the system would cost about \$250,000, and would increase the efficiency of the agency. She was glad to know that it would be discussed in more depth under the cross-organizational study.

Chairman Berger commented on the feasibility of consolidating the buildings. Installing a fire alarm system, a fence, and continuing the efforts to improve temperature control and ventilation could be eliminated if EPC consolidated in one building. She asked why the money should be spent doing those things when consolidating in one building some place would not cost any more than the amount spent now. Chairman Berger suggested that option be investigated; she thought that the Real Estate Department had been asked to do that. Mr. House said a decision needed to be made on which option would be pursued. EPC should not remain in its present configuration indefinitely without putting up a fence and installing a fire alarm system. Commissioner Chillura reported the old EPC board had pursued the option to consolidate on the same premise as it had looked at the County Center building. Many single-building options were available.

Mr. Thomas Koulianos, Director, Finance and Administration, urged the EPC to proceed with the installation of fencing for employee and equipment safety. Chairman Berger commented those things would increase the property value.

## EVALUATION OF AIR MANAGEMENT

Mr. House reviewed the commendations and strengths and recommendations for improvements.

Staff Response - Mr. Iwan Choronenko, Director, Air Management Division, concurred with the recommendations by DMG, and had initiated corrective measures; about 70 percent of the recommendations had been corrected. Mr. Choronenko gave the following staff response.

- Consolidation had been effected regarding the Mobile Source Operations Section and Technical Operations Section; one environmental specialist III would be reclassified to a specialist II position.
- The air permit application process had been streamlined: a second review had been eliminated on simpler projects; the permit tracking report had been improved to start tracking time spent by individuals on various applications.
- Facility inspections by more than one inspector had been removed. Effective June 20, 1996, while the audit was going on, Mr. Choronenko had instructed that one inspector would be used unless safety or training was involved.
- Mr. Choronenko did not concur with the auditor's recommendation for air monitoring staff to reduce the emphasis of efforts to maximize data completeness. That was a critical issue to Air Management, as most of the data collected was ultimately fed into the federal data bank. Losing information or giving technicians the perception that they could become a little "sloppy" in collecting data would foster an unacceptable situation. Strategic issues at federal and State levels were made from data collected.
- Air Management was looking to modify and automate ambient monitoring capability.

Mr. Choronenko reported the State had purchased a system in June, which would be implemented shortly, and Hillsborough County must do the same thing. About \$50,000 to \$100,000 would be needed to fully automate the system in phase one, and the reduction of some staff was expected.

Federal officials were currently changing two national ambient air quality standards, one for particulates and one for ozone. If they passed, additional resources might be needed and data automation might help close that gap. Mr. Choronenko did not want to move too fast to eliminate the proposed recommendation of one electronic technician.

- One environmental specialist would be removed within the time recommended by DMG.
- A sign was out for an enforcement specialist to be used by Solid Waste Division to help with the backlog.

## EVALUATION OF WATER MANAGEMENT

Mr. House reviewed the commendations and strengths and recommendations for improvement. Responding to a question by Commissioner Turanchik, Mr. House explained that the division did not have delegation from DEP to permit wastewater discharge facilities; DMG recommended that getting a permit be pursued.

Staff Response - Mr. Chris Dunn, Director, Water Management Division, agreed with the recommendations, which were considered minor. Mr. Dunn gave the following staff response.

- No further action was required of EPC regarding the domestic operating permit signature process at this time, as it would go back to DEP for evaluation.
- An additional tracking process had been implemented to recheck permit processing time requirements had been completed, to ensure that completeness summaries were sent to the applicants when possible.
- Water Management would continue investigating funding opportunities to become self supporting, including the consideration of imposing a compliance inspection fee, which was beyond the control of Water Management. However, based on a preliminary evaluation of imposing such fees, about \$80,000 to \$100,000 additional funding could be generated.
- Regular staff meetings of the Environmental Monitoring and Analysis Department were instituted in May 1996, before the final draft report.
- The cross-organizational study should further evaluate the possibility of PGMD assuming part of the DEP delegated program. Water Management would continue to enhance communications with PGMD to eliminate any duplication in processing.

Mr. Dunn explained that a pilot project to streamline the process was implemented in September 1995. Concurrent inspections, which had eliminated most problems, were done with PGMD.

- Delegation would continue to be pursued in all program areas where it was determined that those activities were handled most efficiently and effectively at the local area.

Mr. Dunn would like to pursue the National Pollution Discharge Elimination System (NPDES) program. Full NPDES facility delegation would be evaluated when the Environmental Protection Agency (EPA) demonstrated a willingness to subdelegate from the state of Florida. The problem was that the EPA had delegated surface water discharging facilities to the state of Florida, which was unwilling to subdelegate those programs to local programs.

- Coordination would be continued with DEP and the Department of Professional Regulation supporting additional punitive measures for repeat offenders in the wastewater program. EPC would continue to support Florida DEP's efforts to regain control of the wastewater control program.
- Under the Benthic Program, the recommendation was to develop more equitable funding for the work done for Pinellas and Manatee counties. The recommendation had been completed. The estimates for annual funding ranged between \$20,000 and \$40,000.

#### WETLANDS MANAGEMENT

Mr. House reviewed the commendations and strengths and recommendations for improvements. Commissioner Chillura was surprised that DMG had not recommended that EPC impose some policy direction to streamline permitting regarding the turnaround time. Mr. House replied EPC should meet the current PGMD deadlines for permit reviews. A discussion followed. Commissioner Chillura said the breakdowns in the permitting process involved those who issued permits did not have the responsibility professionally; the City had reversed that and

held the professional accountable for compliance. Mr. House replied that some recommendations for PGMD included for that to occur, which could shorten the time.

Commissioner Turanchik said if the first recommendation were implemented, EPC would not be involved in delineating and permitting wetlands, other than one-half-acre sized wetlands and minor activities. Mr. House explained that there were more one-half-acre wetlands and minor activities than were initially envisioned.

Staff Response - Mr. Darrell Howton, Director, Wetlands Management, gave the following staff response.

- EPC did not concur with the first recommendation and felt that it needed to evaluate the impacts to all wetlands in Hillsborough County, despite the size or the project type.

The recommendation also addressed Chapter 1-11, which was also addressed by the second recommendation. Chapter 1-11 was in the revision process to make it more user-friendly. Inconsistency or conflict would become an issue as delegation was pursued.

- There was a process problem with respect to time frames.

Mr. Howton explained that PGMD had published time frames under which EPC worked. He understood that PGMD was reducing some of those time frames, which would be a potential for more problems, as EPC did not stop the clock or send out denial letters. Ways to establish efficiencies were being sought in response to the audit.

Mr. Gene Boles, Director, PGMD, explained the process of site plan reviews, which included all external agencies. The City did not do that. To the extent that EPC delayed the process was not a question of how to count the "clock"; it was a question of having manpower and commitment; EPC's major purpose was not to streamline the development process.

Chairman Berger asked what data proved how many acres of wetlands EPC had when it was organized; how many acres of wetlands did EPC have today; and how successful EPC had been. Mr. Howton did not have that data, but he knew EPC continued to do well by a variety of measures. EPC was ahead 153 acres over what had been impacted. Those acres created were in compliance and were becoming successful. Chairman Berger asked what it cost for a permit from EPC per employee, to which Mr. Howton replied that type data had never been calculated. EPC was not in the business to speed up development, but wanted development to be done appropriately, and, therefore, wanted to be sure that permits issued and comments made were correct and appropriate for good development.

Commissioner Chillura commented that published deadlines needed to be adhered to; if not, the BOCC and the EPC board needed to know why. Mr. Howton did not know if EPC would be affected when PGMD reduced their time deadlines, but consideration should be given for EPC's ability to meet those deadlines. Mr. Howton would work more closely with Mr. Boles and staffs of PGMD and EPC to develop a process that worked. Chairman Berger reminded everyone that they were public servants; obligations had to be met; if that could not be done, then EPC needed to be reevaluated. Mr. Howton said part of the problem came from incomplete plans or requests for additional information.

Commissioner Turanchik felt those 14-28 days were not the real issue; the larger issue was how the whole development process worked and what kind of reasoning process took place. Different jurisdictions had different delineations; when planning and development functions were integrated with the EPC function, and those with other entities, there was no one to harmonize the issues. EPC would want the decision made where the environment was maximally benefited. Commissioner Turanchik looked forward to reexamining the issues in the cross-organizational audit. Formerly involved in the Good Neighborhood Community, Commissioner Turanchik had heard from the development community about the need to have someone who could decide what was needed. He recalled an attempt to deal with the trade-offs between uplands and wetlands; staff had asked for the kind of flexibility to do that and was turned down. It was time for those kinds of issues to be revisited.

Chairman Berger referenced the second recommendation and commented that the Citizens Environmental Advisory Committee was looking at the wetlands rule. Mr. Tom Dyer would update the EPC on the roundtable discussion regarding the first recommendation at the EPC meeting September 19.

- Revision of the standard operating procedures manual was under way, but would be called a "guideline." It was an internal process.
- Interagency agreements were going forward for the review of proposed projects, so responsibilities and commitments were clear based upon the EPC recommendation.
- Presubmission and preapplication meetings were being worked on with SWFWMD and DEP.

Mr. Howton recommended that the applicant go to EPC for a presubmission meeting. EPC could look at the project files and history and give the applicant a better idea of what was needed and how the project needed to be done. The applicant had already received comments for projects approved or denied before the Development Review Committee (DRC) process. EPC needed to be present in the DRC process to answer questions that might arise on projects that were denied; EPC did not need to be present on projects approved.

- The organizational structure was being reviewed. Changes had been made, which were directed at the efficiency of processing the application.
- Typing, filing, and mailing went with the reorganization of the division.

Mr. Howton commented that it was more efficient for everyone who had computers on their desk to type their own letters and reports. The filing system was patterned after the County's filing system, which was efficient; staff did not want to change the system, and EPC recommended that it not be changed. Some projects were multi-phased and for multi-years, possibly 5-, 10-, or 15-year projects.

- All special projects were reviewed. EPC would still evaluate the request and probably attend the first meeting. However, depending on the nature of the request, EPC might keep in contact rather than attend subsequent meetings.
- Consideration for formal classification and salary review of positions could be undertaken through the services of the Civil Service Commission. EPC concurred that be done.

Mr. Howton said the audit had been good; EPC just did not concur with some recommendations. Chairman Berger commented that in some recommendations it appeared that staff had already decided they would do things their way no matter what anyone said. Mr. House explained that the differences of opinion were on a few recommendations, a couple of which were major issues; staff had implemented or started 80 to 90 percent of the recommendations.

Mr. Stewart interjected his concern regarding the issues raised. EPC served three municipalities and the County. He urged the EPC board to consider that it would be better for someone to first go to EPC. At some future time, Mr. Stewart wanted to address the EPC with some recommendations.

Commissioner Hart talked about morale and how that affected performance. Change was slow. The right attitude was in place with the right manager. Working together to reach common solutions was important.

Commissioner Turanchik commented on the number of agencies that could be involved in wetland delineations and asked if all those agencies could agree for one entity to do those delineations. Chairman Berger said a report would be made to the EPC at the September 19 meeting.

## WASTE MANAGEMENT

Mr. House reviewed the commendations and strengths. Chairman Berger referenced Small Quantity Generators (SQG); she asked how success was quantified, and if the program was necessary. Mr. Stewart reported that Mr. Hooshang Boostani, Director, Waste Management, was visiting his home country of Persia; Mr. Robert Lue, Professional Engineer, Waste Management, would answer questions. Mr. Lue said the SQG program was a compliance and verification program and was essential to help people comply. Approximately 40 percent of the inspections found problems. Mr. House reviewed the recommendations for Waste Management.

Staff Response - Mr. Lue concurred with the recommendations. Programs and policies had been implemented to address those recommendations. Mr. Lue gave the following staff response.

- The UST/AST Department and the SQG programs had been reorganized to have most of the supervisors do many inspections. There was some concern with the SQG program because EPC was mandated to do 20 percent per year, which might not be achieved even with the supervisors in the field.

Chairman Berger asked if EPC was fully funded by the State to do the inspections, to which Mr. Lue replied that the SQG program was fully funded by a \$30 fee collected through occupational licenses.

- Enforcement coordinators had been working to address the backlog problem, to prioritize enforcement cases and to develop mechanisms to deal with old cases.
- Morale was taken seriously; meetings were being held more frequently to address some of those problems and to get opinions from staff.

Mr. House commented that having more savings at the "bottom line" might have been possible had DMG not recommended that those savings be put back into increasing effectiveness in both Wetlands Management and Waste Management, as opposed to taking the dollar savings. Commissioner Turanchik felt the audit was

positive, with which Chairman Berger concurred. She commended staff and Mr. Howton for the good work, but Chairman Berger wanted the process streamlined.

Attorney Fotopulos asked if the EPC had accepted the recommendations and what staff was doing to implement the recommendations, or whether a written response was necessary to attach to the audit. Chairman Berger replied that some recommendations dealt with the wetlands; she suggested that no action be taken until CEAC made its proposal regarding Chapter 1-11, and the environmental roundtable group made its presentation, which would be done within the next two weeks.

Commissioner Hart agreed with Chairman Berger. He suggested that having a specific answer, line-by-line, to each recommendation would be helpful, and another workshop be held; some items should be an EPC decision for direction. Chairman Berger asked if it would be proper procedure to spend about an hour at the October meeting to talk about some recommendations that involved CEAC and the wetlands issue. Attorney Fotopulos felt that would be acceptable since the audit had been done early.

Commissioner Turanchik commented that a full EPC board was not present; it would be appropriate to hear comments from interested parties before the audit and staff recommendations were accepted, and reconcile any differences to the extent that could be done. **Commissioner Turanchik moved to accept the audits, with appreciation of the presentation and staff responses, and to schedule an appropriate time, at the Chairman's prerogative, for public comment. Commissioner Wilson seconded the motion.** Chairman Berger suggested 6:00 p.m., for a two- to three-hour meeting.

Commissioner Turanchik thought that waiting for responses from the roundtable group would be appropriate. He asked when the preliminary reports or draft from the cross-organizational study would be done, to which Mr. House replied the middle of October. Commissioner Turanchik suggested waiting. **The motion carried four to zero.** (Commissioner Chillura was out of the room; Commissioners Busansky and Norman were absent.)

#### PUBLIC COMMENT

Ms. Barbara Merritt, Chelsea Street, felt that hearing public comment on the audit was important. Regarding the wetlands review, she recommended that the tapes or transcripts from the 1980s be reviewed and used for comparison; much had changed since then. Mr. Ron Weaver, 401 East Jackson, Chairman, Greater Tampa Chamber of Commerce Development Regulations Task Force, encouraged EPC to work with the Chamber of Commerce to change who did the permitting, staffing, and current accumulation levels of staffing and funding, to reach a solution.

Chairman Berger commented that Mr. Stewart had been working for advanced delineation. Once the roundtable discussions were completed, a recommendation might be for staff, if it would do delineations, to do the advanced delineations for the whole County and delegate some other duties to another agency, which would provide better environmental protection for the whole County.

Mr. Joseph Narkiewicz, Builders Association of Greater Tampa, agreed with the comments of Mr. Weaver. The position of the Builders Association had always been to identify one agency that could do the job and eliminate duplication. The Builders Association favored SWFWMD handling wetlands regulations. Regulated industries would save time and money. Ms. Allison Edwards, Tampa Bay Group of the Sierra Club, commented that the EPC protected and regulated. The division or rift that could be noted in the community disturbed Ms. Edwards.

THURSDAY, SEPTEMBER 12, 1996 - DRAFT MINUTES

In response to Ms. Edwards' questions, Commissioner Turanchik explained the standard practice for an audit to be presented at a BOCC meeting, staff responses, and public comments, and when the audits were due for PGMD and the PC. Attorney Fotopulos clarified the PC audit had been completed and submitted to the Legislative Delegation--the audit review committee was undertaking its review. The audits of the Planning and Development Review and the Building Departments were BOCC audits. Chairman Berger reported that audits of those departments were not mandated by the State.

There being no further business, the meeting was adjourned at 4:10 p.m.

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

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CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

BY: \_\_\_\_\_

Deputy Clerk

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