

The Environmental Protection Commission (EPC), Hillsborough County met in Regular Meeting, scheduled for Thursday, September 18, 1997 a.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioner Dottie Berger, Joe Chillura, Chris Hart, and Thomas Scott.

The following members were absent: Commissioner Norman (attending conference) and Commissioner Turanchik (scheduling conflict.)

Chairman Platt called the meeting to order at 10:10 a.m. Commissioner led in the pledge of allegiance to the flag and gave the invocation. Mr. Roger Stewart, Executive Director, EPC, requested to defer it Department of Environmental Protection (DEP) Petroleum Cleanup Co V.C., Report to EPC on Efforts to Coordinate Building Permit Review next EPC meeting. Commissioner Chillura so moved. Commissioner seconded the motion, which carried five to zero. (Commissioners Turanchik were absent.)

PUBLIC HEARING

A. Consider Amendments to Chapter 1-11, Relating to Wetlands. B. Adoption of Resolution for Cockroach Bay Management Plan - EPC Counsel Sara Fotopulos reviewed the changes suggested during review by Citizens Environmental Advisory Committee (CEAC), which included reorganization of parts II and III, combining requirements for Rule Management Plans into Part II, and deletion of the Cockroach Bay Plan in Part III. Attorney Fotopulos suggested adoption of the rule for Cockroach Bay Management Plan. Many technical and wording changes throughout the rule provided clarity and understanding for the lay public. CEAC and EPC staff concurred that on page six, line two, the word "dredging" should be inserted before "dredging." Attorney Fotopulos said no changes were technical and nonsubstantive. Substantive changes included broadening of recovery and mitigation areas.

Mr. Stewart and Mr. Darrell Howton, Director, Wetlands Management answered questions from Commissioner Chillura concerning conservation easements and wetlands mitigation. Attorney Fotopulos explained statutory definition of conservation easements was directed toward the existing condition of the wetland, was not a right of access, precluded development. Attorney Fotopulos answered questions from Commissioner Berger about the public's review of the proposed rule upon by CEAC. Commissioner Berger moved to table the item for 30 days the meantime let the public have access to it. Chairman Platt sustained that motion after comment by CEAC and public comment. Hart asked if new items, such as conservation easements, would be included in a glossary. Attorney Fotopulos said that could be included in the manual staff was preparing to assist in the implementation of the rule. Mr. Russ Thomas, Chairman, CEAC, commended the subcommittee's work on the rule. Commissioner Chillura noted that the manual for the rule being prepared by EPC staff would have illustrations and asked if CEAC illustrations would help the lay community. Ms. Lynn McGarvey, member CEAC subcommittee, said the subcommittee had not discussed illustrations. Mr. Howton said the guidelines would have illustrations, charts, and maps. Commissioner Chillura suggested a glossary, especially for new technical subjects addressed by Mr. Jeffrey Mathias, CEAC, included guidelines manual; conciseness of the rule; and drafting of the wetlands rule encouraged approval of the suggested amendments and the resolution.

Cockroach Bay.

Chairman Platt said that including protection of the Cockroach Bay the resolution, which could be changed at any EPC meeting, put the Bay Management Plan in a weaker position than when it had been in wetlands rule. She had been advised that the Cockroach Bay Aquatic Management Advisory Team (CAPMAT) had never seen the proposed rule and that CAPMAT had requested to continue the item to have a change review and recommendations. Attorney Fotopulos advised Commissioner that legal requirements concerning advertising for public hearing met. Mr. Danny Alberdi, EPC staff, advised Commissioner Chillura was interested in reviewing the proposed amendments before a decision made. At the suggestion of Commissioner Chillura, Mr. Stewart gave notices to the heads of the Audubon Society, the Sierra Club, CAP and similar organizations since notices in the newspaper were apparently being read. Commissioner Chillura moved to continue the public hearing the next EPC meeting. Commissioner Berger seconded the motion. Platt referenced the BOCC rule that documents to be voted upon at hearings had to be filed with the Clerk of Circuit Court for a specified number of days, and she wanted EPC to abide by the same rule. Commissioner Hart had intended to request a glossary that could be periodically reviewed by the EPC Board. Mr. Thomas said CEAC could add a definition of conservation easement to the definition section. Attorney Fotopulos explained that adding definitions within the rule would require a public hearing, but a glossary within a guideline or manual could be done at regular EPC meetings. Commissioner Hart amended the motion--to consider whether the definition of conservation easement should be in the wetlands rule or the guidelines. Commissioner Chillura accepted the amendment. The motion carried five to zero. (Commissioners Norm Turanchik were absent.) Attorney Fotopulos advised that the item would be addressed at the next EPC meeting, scheduled for October 16, 1997 a.m.

CONSENT AGENDA

Approval of Minutes: None
Monthly Activity Reports
Legal Department Monthly Reports
Pollution Recovery Fund
Gardiner Settlement Fund

Commissioner Chillura moved approval of the consent agenda. Commissioner Scott seconded the motion, which carried five to zero. (Commissioners Turanchik and Turanchik were absent.)

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Mr. Thomas commented on forthcoming recommendations regarding EPC Citizens Audit Advisory Board and thanked Mr. Howton and EPC staff for their work with the Wetlands Rule Subcommittee.

EXECUTIVE DIRECTOR

On behalf of Mr. Tony DiAquila, who could not be present, Ms. Les Campbell, EPC staff, gave an update on the EPC internal subcommittee addressing Medfly issues. Ms. Campbell detailed staff recommendations prepared in response to recommendations from Citizens for the Resurgence Application of Malathion (CRAM,) as listed on the agenda item. EPC staff did not recommend supporting CRAM's recommendations about consequences for violations. The other two suggestions from CRAM items EPC staff had intended to address and were part of the memorandum of understanding (MOU)--that environmental assessments would be made and eradication programs were begun and that an aggressive approach would

taken to rule-making by the Department of Agriculture. CRAM had proposed legislation titled the Freedom from Chemical Trespass Act. Staff did not support the original draft, which completely prohibited spraying of any pesticides in the County. The newest draft, submitted as an agenda backup had been prepared, included a local government exemption removed much of EPC's concern. EPC supported preventive measures. Fotopulos answered questions from Commissioner Chillura about a failure to comply with MOUs. Commissioner Chillura favored a sanction because of damages sustained during the recent spraying, public relations and lack of communication. Board discussion ensued about tying the damages sustained by the local community.

Commissioner Chillura moved to concur with staff recommendation. At the request of Commissioner Berger, Ms. Campbell reiterated staff recommendation and responded to questions about emergency and maintenance spraying and mosquito control. Ms. Campbell said the exemption for local government alleviated most but not all of EPC's concerns. Commissioner Berger continued the entire item to next month because there were many serious concerns EPC staff should address. Commissioner Hart seconded the discussion and asked if there would still be time for the EPC Board to be influential. Ms. Campbell said there was only the proposed bill. A working group had been identified. Chairman Platt opposed the motion because there was a firm staff recommendation on portions of the bill. Ms. Campbell advised Commissioner Hart that good communication was being maintained with Ms. Holmes of CRAM. The motion failed three to two. Commissioners Chillura, Platt, and Scott voted no. (Commissioners Turanchik were absent.)

Commissioner Chillura moved to concur with staff recommendation, Commissioner Hart seconded the motion, and Commissioner Chillura accepted a firm amendment from Commissioner Berger--that Commissioner Berger's concerns would be part of what EPC staff addressed as they moved forward to finalize those recommendations. Commissioner Berger objected that the request was too broad and staff had not had a chance for adequate input. Attorney Fotopulos said the local government exemption in the proposed legislation would probably cover mosquito spraying, if exemption was in the public interest. Attorney Fotopulos had not reviewed the legislation from an overall perspective. Commissioner Chillura eliminated the proposed legislation from the motion and said the motion included item 3, on page 48 of agenda backup. The motion carried four to one; Commissioner Berger voted no. (Commissioners Norman and Turanchik were absent.) Commissioner Chillura moved to ask Attorney Fotopulos to draft a resolution, whatever necessary input she needed for Chairman Platt's signature, to appropriate members of Congress, which he thought would be Congressman Bilirakis, who headed a subcommittee on the U.S. Department of Agriculture and the appropriate head of the Florida Delegation, to address a resolution that would ensure to the benefit of local government regarding the international agreement, to be reviewed at the next EPC meeting. Commissioner Chillura seconded the motion. Attorney Fotopulos explained why she thought it might have a negative impact on coordinating efforts EPC was pursuing through voluntary action. Discussion that ensued included local government responsibility and the need for a process to compensate injured parties. Commissioner Chillura reworded the motion--to establish a process by which damages of aggrieved parties could be resolved and to ask federal governments to find the appropriate legislation that would address the damages. Commissioner Chillura asked Attorney Fotopulos to draft that language at the next EPC meeting. Commissioner Berger

referenced cases in California where growers had sued because the did not move fast enough. Commissioner Chillura said growers would care of the next time if the federal government followed specific communication procedures. The motion was to create a process to redress of grievances; there was no intent to slow the process for care of dangerous pests. Commissioner Hart also wanted EPC staff with State and federal agencies to be sure which department should be contacted to address problems administratively regarding damages. The motion carried five to zero. (Commissioners Norman and Turanchik were absent.)

Waste Management Division - Authorize Executive Director to Execute Petroleum Compliance Contract - Mr. Koulianos said the request for a standard compliance contract between the DEP and EPC. Commission moved to approve the contract. Commissioner Scott seconded the motion and it carried four to zero. (Commissioner Hart was out of the room; Commissioners Norman and Turanchik were absent.)

Chairman Platt called for public comment; there was no response.
Off-the-Agenda Item - Budget - Mr. Koulianos gave an update on the budget and thanked County budget staff for helping resolve some issues for adopting additional fees. He asked for BOCC support regarding unfunded \$27,000 for the aerial photographs. Mr. Howton answered from Commissioner Chillura about joint use of the maps and computer networking.

There being no further business, the meeting was adjourned at 11:

READ AND APPROVED: _____
CHAIR

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk
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