

OCTOBER 16, 1997 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT

The Environmental Protection Commission (EPC), Hillsborough County met in Regular Meeting and Advertised Public Hearing scheduled for October 16, 1997, at 10:00 a.m., in the Boardroom, County Center, Florida.

The following members were present: Chairman Jan Platt and Commi Dottie Berger, Joe Chillura (arrived at 10:10 a.m.), Chris Hart, Thomas Scott, and Ed Turanchik (arrived at 10:20 a.m.).

Chairman Platt called the meeting to order at 10:05 a.m. Following a pledge of allegiance to the flag, Commissioner Scott gave the invocation. Chairman Platt noted that a revised agenda had been distributed in accordance with public notice.

PUBLIC HEARING

Amendments to Chapter 1-11, Relating to Wetlands - Mr. Russell Th Chairman, Citizens Environmental Advisory Committee (CEAC), recommended adopting Rule 1-11 as proposed, with the changes that EPC Counsel Fotopulos would recommend that morning. Attorney Fotopulos presented minor changes to the recommended amendments of Rule 1-11 as follows: 1-11.04, page 5, line 21, delete the recommended insertion of "by" on page 5, line 24, keep the words "all other determinations made prior to the effective date of this rule shall be presumptively valid only"; 1-11.082, page 8, subsection E, line 6, to insert the words "as defined in Section 704.06 Florida Statutes" after the word "easement".

Chairman Platt called for public comment. Mr. John Goolsby, director of environmental services, Heidt and Associates, 2212 Swann Avenue, with the three changes mentioned but expressed his concern about grandfather provisions to wetland delineations. Attorney Fotopulos stated that if the issue was of concern to the community, it would behoove the Commission to look at that rule to see if change or refinement was necessary. Mr. Ted Taub, 100 North Tampa Street, Suite 3500, expressed concern about grandfather provisions to the rule that Attorney Fotopulos had addressed earlier. Mr. Taub supported staff's decision to let the rule remain as it was, and requested the EPC to endorse that recommendation.

Mr. Chuck Courtney, King Engineering, 5010 West Kennedy Boulevard, expressed support for the recommended changes; however, he suggested considering reducing duplication and making efficient use of staff for wetland protection by consolidating activities between EPC and Southwest Florida Water District (SWFWMD). Mr. Steve Godly, president, Biological Research Associates, agreed that deleting changes were appropriate and consistent with the Commission's guidelines.

Commissioner Turanchik commented that applying the recovery plan to private lands might be considered remedial when no violation had occurred. He had not thought through that process and was not comfortable with that concept. The plan had given government a good regulatory framework to the bay bottom. Commissioner Turanchik wanted to understand what had been accomplished, under which circumstances that might be applied, and preferred to keep the recovery powers available for the bay bottom grass beds. Chairman Platt agreed. Commissioner Norman moved to amend the marine recovery area. The motion died for lack of a second. Commissioner Turanchik suggested another draft. Attorney Fotopulos presented alternative options available to EPC. Commissioner Turanchik indicated that it made sense to have the recovery designation powers included in the recovery plans should be done by resolution. Leaving the powers to be exercised in a recovery area in the act made sense, but taking the

what pertained to the recovery act out on the side and doing that resolution would be more vassal, flexible, and easier with which Mr. Ronald L. Weaver, Chamber of Commerce, explained why he thought consideration should be given to the part two amendments and suggested amendments not be passed; he also spoke about inadequate due process. Mr. Jeff Mathias, CEAC member, spoke about the notice process, wetland systems near wellfields. On the issue of part two, he was approved as written because there were significant freshwater systems that were in jeopardy, as Cockroach Bay had been, and need addressed through some restoration programs. Wetland systems near were serious problems, all of which were not on public land. Private landowners might be willing to get a restoration program in place restricting to public lands would exclude that possibility of voluntary cooperation from the public. Because that would come to the EPC implementation, Mr. Mathias doubted that would ever be imposed on landowner. Chairman Platt pointed out that the problem was that it did not use the words "voluntary" or "public lands," and it might not be accessible to everybody if those rules were rewritten to include Mr. Thomas suggested having CEAC further discuss the item and return to EPC next month with recommendations. If the item were continued, Chairman Platt suggested focusing only on section two. Commissioner Berge continued for one month, to get it right the first time. Commissioner seconded the motion, concurring with a focus on part two. Chairman clarified that the public hearing would be continued to the next and, meanwhile, CEAC would meet to address concerns regarding section two. Mr. Darrell Howton, Director, Wetlands Management Division, recommended discussing the resolution, at which time Commissioner Norman's point discussion could take place at the next meeting. The motion carried zero. (Commissioner Chillura was out of the room.) Mr. Thomas's group would meet on Monday, October 20, 1997, at 4:00 p.m., on the first floor of County Center.

CONSENT AGENDA

Approval of Minutes: None

Monthly Activity Reports

Legal Department Monthly Reports

Pollution Recovery Fund

Gardinier Settlement Fund

Commissioner Norman moved approval of the Consent Agenda, seconded by Commissioner Scott, and carried six to zero. (Commissioner Chillura was out of the room.)

WETLANDS MANAGEMENT DIVISION

Dr. Nicholas Ehringer, Professor of Ecology, Hillsborough Community College, reported on monitoring prop scarring and recoveries of sea grasses in Cockroach Bay. Commissioner Turanchik said prop scars were down in restricted areas and were still occurring in the unrestricted areas. Ehringer explained that new markers restricting boats had been put in Cockroach Bay to encourage new sea grasses. A boat had been built to inject and plant-growth regulators into sea grasses and prop scars are where the sea grass grow. He explained how the vessel worked and gave percentages of complete recovery in a period of three to four months rather than three to five years.

Chairman Platt asked Dr. Ehringer to offer to speak at the Agency Management to spread the word about how effective the program had been. Ehringer suggested that the boat be made available to other counties. Commissioner Turanchik commented on the dramatic results and urged that The Tr

Times editorial boards be notified.

Dr. Clinton J. Dawes, Department of Biology, University of South reported on the growth/regeneration of turtle grass. Three nurse been created in Cockroach Bay, with the goal to test different ty growth regulators and fertilizers.

WASTE MANAGEMENT DIVISION - Authorize executive director to execu up contract with the Department of Environmental Protection (DEP)

Platt clarified that the contract was not new or different from c prior years. Commissioner Chillura moved approval, seconded by C Scott, and carried six to zero. (Commissioner Norman was out of

ADMINISTRATION DEPARTMENT - Authorize Chairman to sign change of for executive director - Mr. Stewart presented the item. Commiss noted that she would have had the Board of County Commissioners a issue, not Civil Service. Commissioner Berger moved approval, se Commissioner Scott, and carried six to zero. (Commissioner Norma the room.)

LEGAL DEPARTMENT - Draft letter to legislators regarding Medfly e remedies - Attorney Fotopulos had drafted a letter for State and legislators to establish a process so citizens would know where t to obtain redress when they felt they had been adversely impacted Platt recalled the letter was the result of a motion. Commission suggested changing health and safety to health, safety, and prope throughout the letter. He advised that the State had a form to c which asked where the damage could be inspected; however, a stand was sent stating that they could not be held responsible. Commis Chillura moved approval of the letter for the Chairman to sign, w changes. The motion was seconded by Commissioner Hart and carrie zero. (Commissioner Norman was out of the room.)

Consideration of a letter from Mrs. Fuhro regarding fluoridation water - Ms. Margaret Fuhro, Ruskin, addressed the County+s fluori program, commented on a press release against drinking water fluo and requested banning the addition of fluoride from Hillsborough drinking water.

Mr. Stewart said that issue was not in the line of EPC business; staff did not have the expertise to deal with the issue. Mr. Arn Manager, Water Plant Operations, explained that the Board had app fluoridation of the County+s drinking water in 1988, which had be successfully for the last three years without any indication from Environmental Protection Agency or DEP that there was a problem w fluoridation. The BOCC should revisit the issue if there was a p Chairman Platt asked Mr. Beken to review the evidence brought for Fuhro and report to EPC if he thought there were any health probl Beken pointed out that the press release referenced by Ms. Fuhro from the federation of federal employees. Commissioner Chillura newspaper article that addressed incidences of physical disorders from drinking water in Hillsborough County. He asked that staff local newspapers to learn when that had appeared. Mr. Stewart sa County Health Department was the proper agency. Attorney Fotopul that the Health Department had been invited to the meeting but ha that the policies needed change.

Mr. Beken outlined the procedures in place for testing. Commissi said the testing program was extensive but the Health Department responsibility. Chairman Platt and Commissioner Hart explained t that the Health Department had jurisdiction over the issue. Chai called for public comment; there was no response.

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

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

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