

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
APRIL 22, 1998  
11:00AM**

**SPECIAL MEETING**

**AGENDA**

**EPC/West Coast Inter-local Agreement**

- 1. Introduction**
- 2. Discussion of Issues**
- 3. Public Comment**

Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

# ANALYSIS OF EPC/WEST COAST INTERLOCAL AGREEMENT

## Appendix "L"

Amended April 20, 1998

APPROVE AGREEMENT			DISAPPROVE AGREEMENT		
ADVANTAGES	DISADVANTAGES	REMEDY	ADVANTAGES	DISADVANTAGES	
			EPC continues to exercise full authority to protect the environment of Hillsborough County		
Formalizes a procedure for EPC's earlier involvement in projects developed in Hillsborough County					
	Lose 120 challenge to permits in Hillsborough County		Retain 120 Challenge to permits in Hillsborough County & adjacent counties		Uncertain manner of entry into project development in Hillsborough County
	Lose 120 challenge to permits in adjacent counties	Modify Section 3(2)			
	Agency must pay for permit applications & supporting documents	Modify Section 2(1c) & Section 2(1e)			

APPROVE AGREEMENT			DISAPPROVE AGREEMENT	
ADVANTAGES	DISADVANTAGES	REMEDY	ADVANTAGES	DISADVANTAGES
	Venue for arbitration, mediation & challenges to agreement in Pinellas County	Move venue to Hillsborough County		
	As signatories, other member governments could directly litigate against EPC for compliance, giving them multiple bites of our apple	Limit signatories to West Coast, EPC & Hillsborough County		
	Need to arbitrate to protect interests due to insufficient application review time	Extend 30 day review period		
	Will require additional funds to meet obligations	Agreement with BOCC to provide necessary funding		
	Uncertainty as to whether future arbitration is available for modifications/renewals of 4 specified permits	Modify Section 7(2)		
	No judicial review of arbitrator's rulings to ensure compliance with law	Provide that arbitrators must apply law		

APPROVE AGREEMENT			DISAPPROVE AGREEMENT	
ADVANTAGES	DISADVANTAGES	REMEDY	ADVANTAGES	DISADVANTAGES
	EPC may be unable to require compliance with it's own non-consumptive use standards when arbitrators apply SWFMD/Corps. standards	Remove "and other Environmental Permits" from Section 3(5)		
Settle Water Wars				Continue Water Wars
Reduction of dependence on groundwater withdrawals and associated impacts to surface environmental features				
Reductions of existing pumping levels from areas being harmed				
Enables EPC to submit harmful or inappropriate applications to arbitration prior to filing with agency				

APRIL 22, 1998 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MIN

The Environmental Protection Commission (EPC), Hillsborough County met in Special Meeting, scheduled for Wednesday, April 22, 1998, a.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commi Dottie Berger, Joe Chillura (arrived 11:30 a.m.), Chris Hart, Jim Thomas Scott (arrived 11:33 a.m.), and Ed Turanchik.

Chairman Platt called the meeting to order at 11:25 a.m. and reco presence of Pasco County Commissioner Ed Collins. After discussi dealing with votes as EPC and the Board of County Commissioners ( Chairman Platt recalled that Commissioner Norman had requested a remedies to issues involving the EPC/West Coast Regional Water Su Authority (WCRWSA) interlocal agreement. EPC Chief Counsel Sara gave a chronology of how EPC had become involved in the WCRWSA go process and reviewed the analysis matrix for the proposed governa agreement. Discussion ensued about leaving the agreement unchang Roger Stewart, Executive Director, EPC, said the changes requeste relatively minor and were unacceptable to staff. He thought if t could not be considered for change, efforts to convince Commissio otherwise would be futile. Chairman Platt thought that other gov might also consider the changes minor, and she wanted to hear wha Mr. Stewart reviewed the errata sheet, and Attorney Fotopulos gav background and significance of each item. During discussion rega first item on the errata sheet, Commissioner Turanchik commented protection by host counties, the Cypress Bridge wellfield, and ti constraints imposed by State legislation. Commissioners discusse to leave the agreement unchanged, which would enhance the likelih approval, and agreed to take one vote at the end of the meeting. Mr. Stewart objected to the second item on the errata sheet becau a regulatory agency and should not pay for permit applications an documents. Regarding the third item, Commissioner Turanchik advi venue would be wherever WCRWSA headquarters were. Attorney Fotop commented on items three, four, and five, and detailed her concer arbitration process had different due process rights, with no gua the arbitrator's decision would comply with the law.

In reply to Chairman Platt, Attorney Donald D. Conn, general coun WCRWSA, said the WCRWSA arbitration process was standard and conf Attorney Fotopulos that binding arbitration decisions were intend final. Attorney Conn advised Chairman Platt he did not think it necessary to change the arbitration process in the agreement. Co Turanchik commented on the effect and intent of arbitration.

County Administrator Daniel A. Kleman confirmed for Commissioner he understood the inherent commitment for the County to fund EPC appeals process in environmental issues, but Mr. Kleman could not granting EPC an unplanned \$350,000 appropriation. Commissioner N concerned about signing documents with unidentified sources of fu Kleman expected the BOCC to continue challenging permits. Fundin challenges could be through County or EPC staff, but Mr. Kleman c recommend that the EPC or BOCC increase its budgetary commitment in anticipation of challenges. Mr. Kleman listed the budget-rela questions he would ask, as the County budget officer, and stated information on which to make a projection currently. Commissione spoke of possible increased costs, and Mr. Darrell Howton, Direct

Management Division, EPC, advised Mr. Kleman that additional EPC be required to review WCRWSA permits because current staff were unable to handle the existing workload. Chairman Platt thought if the staff was needed for permit review, EPC should make that request during budget process.

Discussion included the comments that overall costs would be less if all parties to the agreement would want to avoid arbitration; proper permits would reduce the need for dispute; and there was the possibility for increased EPC funding due to matters unrelated to the WCRWSA. Chairman Platt called a recess at 12:05 a.m. and reconvened the meeting at 1:40 p.m.

Regarding item eight of the errata sheet, Attorney Fotopulos explained the basis of staff recommendation to delete and other Environmental Attorney Conn responded to questions from Attorney Fotopulos about Chairman Platt reviewed the discussion on the errata sheet. Attorney explained why other member governments thought it necessary to be included in the interlocal agreement and answered questions from Attorney about enforcement by member governments.

Referencing previous citizen comments, Commissioner Norman initiated discussion about the possibility of citizen involvement in exercising Chapter 120 rights for impacts outside the County. Mr. Stewart said he did not anticipate doing anything in other counties but did want to have the ability to speak to infringements on Hillsborough County's environmental responsibilities. Commissioner Hart described his concern about the County's environmental responsibilities in the future and how that related to WCRWSA and Mr. Howton explained how the four County watersheds affected the relationship to other communities through WCRWSA initiatives. Attorney Fotopulos answered questions from Commissioner Hart about rights that counties have if SWFWMD increased pumping in the wellfield areas. Chairman Platt spoke about impacts of desalination plants. Mr. Stewart emphasized minimum flows and levels, upon which consumptive use permits were not officially established and were currently unsatisfactory to EPC. Commissioner Norman initiated discussion about addressing environmental impacts created by other counties. Discussion included reducing pumping levels; establishing new sources of water; involving EPC with WCRWSA; whether EPC should have authority in Pinellas County; reduction in wellfield pumpage; and the benefit of including all parties involved in binding arbitration.

Chairman Platt called for public comment. Ms. Denise Layne, Lutz Association, asserted the agreement would force citizens to fund legal battles regarding impacts if the County could not litigate. Attorney Conn answered questions from Ms. Layne about related legislation. Ms. Williams, representing the Coalition of Lake Associations, commented that rights counties should have in relation to location of cones of limited resources of some counties to fight legal battles; and that groups such as the one she represented should be involved. Ms. Williams gave an example of difficulty citizens had in speaking at WCRWSA meetings. Maxwell, general manager, WCRWSA, and Attorney Conn answered questions from Ms. Williams about rights of citizens to address the operation plan. Maxwell and Attorney Conn agreed that EPC would have the authority on the operation plan, even for facilities in other counties, because it was included in the definition of primary environmental permit.

Ms. Gaye Townsend, County Line Coalition, spoke about binding arbitration difficulties dealing with Pasco County. Ms. Townsend thanked EPC for work on minimum flows and levels. Mr. Jeffrey Mathias, Riverhill

talked about reduction in pumpage, supported comments made by Att Fotopulos, and explained his concern about EPC authority. Attorn responded to Mr. Mathias about distinguishing between what EPC ar regulated, noting that the interlocal agreement would not change jurisdiction under the special act or delegated authority. Attor Fotopulos concurred. Attorney Conn said the discussion in the me concerned the definition of primary environmental permits, the ma which was a water use permit.

Chairman Platt asked about a hypothetical case wherein Pasco Coun a consumptive use permit for a well close to Hillsborough County negatively impacted County lakes through use of that well. She w know if EPC could cite and regulate parties responsible for that degradation. Attorney Conn noted that WCRWSA, not Pasco County, seeking a consumptive use permit and that as a member government, Hillsborough County would have a voice in whether WCRWSA denied t Speaking of the hypothetical situation described by Chairman Plat Conn said if there were a consumptive use permit that was sought Pasco County, EPC would not have the right to arbitrate the water between SWFMWD and WCRWSA. However, the agreement would not affe regulatory powers EPC had under the special act or EPC's delegate EPC could exercise its regulatory authority over those harmful im Mr. Steve Morris, 18520 Wayne Road, Odessa, complimented the work Commissioner Turanchik, thought much had been achieved in draftin agreement, and objected to the hurried approach to signing the ag Mr. Morris suggested setting up a mediation fund to pay for litig Larry Padgett, 2711 West Lutz-Lake Fern Road, Lutz, talked about the need to protect the County. Ms. Alison Edwards, 2512 Prospec listed several objections, which she submitted in writing. Ms. C Bradford, representing the Alafia River Basin Stewardship Council participation in WCRWSA meetings and the lack of a reply from WCR March 28 letter about the water master plan. She suggested not p fast with the agreement.

Commissioner Scott talked about the complexity of the issue and l questions to which he wanted answers when Commissioners reconvene BOCC. Commissioner Scott emphasized that the State legislature w action about water if the Board did not.

Attorney Fotopulos responded to Commissioner Chillura about the i if EPC were an entity separate from the BOCC. Commissioner Chill explained why he objected to pressure from the State legislature ultimatums about all-or-nothing agreements. Commissioner Chillur BOCC was important to the agreement and commented that the streng longevity of the EPC was due to its independence. Commissioner N of the autonomy and power of the BOCC and its obligation to obtai deal possible. Chairman Platt noted that only one government ha the agreement and thought any changes proposed for the EPC docume made in the meeting and presented, not as +deal-breakers,+ but wi request that those changes were important to the County. Commiss Turanchik concurred that was a fair process.

Commissioner Turanchik described efforts by WCRWSA to obtain part guaranteed reductions and noted the agreement was under a State m a deadline. Commissioner Turanchik gave his perspective on the E interlocal agreement, noting that Mr. Stewart had characterized t as relatively minor. Commissioner Turanchik thought there was a that the agreement harmed EPC, although he thought a good deal ha obtained. He commented on the importance of the issue to the env

the destruction to the environment caused by member governments o  
Commissioner Berger thought the County was in a better position t  
although the agreement was not perfect. Discussion ensued in res  
question about how the agreement would be presented to the State  
Commissioner Berger did not think one member government would be  
make changes without giving others the same opportunity. Commiss  
Turanchik moved to make no recommendations to the BOCC for change  
interlocal agreement. Commissioner Berger seconded the motion.  
Platt stressed that the motion was that there be no changes to th  
interlocal document, but the motion did not approve it. Commissi  
Turanchik amended the motion to include section 3(1) in the inter  
agreement, which was that the County would fund EPC to perform it  
delineated in the agreement.

Commissioner Hart asked what impact the agreement would have on E  
Attorney Fotopulos agreed the document was not perfect. EPC woul  
change its approach to some issues, and its legal ability to forc  
would be limited, but the agreement would not usurp EPC's ability  
the County's environment. She opined that the benefits of the ov  
agreement greatly outweighed the disadvantages. Mr. Stewart tho  
environmental permits, in Section 3(5) was unclear and emphasized  
for adequate EPC staff. Chairman Platt commented upon her concer  
been resolved in the meeting and stressed the County's responsibi  
protect the environment and the related need for EPC to request n  
staffing changes as soon as possible. The motion carried seven

There being no further business, the meeting was adjourned at 3:5

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

ATTEST:  
RICHARD AKE, CLERK

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

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