

Citizens Environmental Advisory Committee Meeting Minutes –March 1, 2010

Members in attendance

Daniel Alberdi, Jeremy Burris, Hallie Calig, Deborah Cope, Wayne Echelberger, Ph.D., Ann Hodgson, Ph.D., Joy Ingram, David Jellerson

Members absent

Roy Davis, Harold Falls, Melanie Higgins, Vicki Kenyon, Kim Koleos, Dale Meryman, Ph.D., Cam Oberting, George Parker, Jr.

Guests

Phil Compton, Sierra Club; Hugh Gramling

EPC Staff in attendance

Dr. Garrity, Executive Director; Richard Tschantz, General Counsel; Richard Boler, Water Management Division; Mary Yeargan, Waste Management Division; Jeannette Figari, CEAC Liaison.

I. Regular Business

Chairman Alberdi called the meeting to order at 3:10 p.m.

a) Public Comment

No members of the public spoke at this time.

b) Approval of the February 1, 2010 Minutes

The members present did not constitute a quorum; therefore, the minutes were not approved.

c) Review of the February 18, 2010 EPC Meeting

Dr. Garrity gave a brief review of the issues that were addressed at the February EPC meeting.

- The Consent Agenda included the final quarterly Hybrid report and a request to set a Public Hearing for the March EPC meeting to consider amendments to Chapter 1-13, Delegation Rule.
- The Executive Director's report included an update on the Fertilizer Workshops and the proposed Hearing schedule.
- Rick Tschantz, General Counsel, provided a Legislative update
- Richard Boler, Water Management Division, provided a summary of the proposed EPA Numeric Nutrient Standards.
- Hooshang Boostani, Waste Management Division, reported on the development of the Mulch Reuse Guidance document and on the MOU between EPC and the Hillsborough County Affordable Housing Department. An update on the FDEP's report regarding the regulation of the retail use of plastic bags was provided.
- Jerry Campbell provided information regarding asbestos in county-owned buildings.
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d) Preview of the March 18, 2010 EPC Meeting

Dr. Garrity provided a brief preview of the issues to be included on the April EPC meeting agenda.

- EPC staff will present the proposed cost recovery plan and request the Commission set a Public Hearing to consider amendments to Chapter 1-6, Services-Fee Schedule.
- An update on delegation issues will be provided
- The Commission will conduct a Public Hearing the Delegation Rule, Chapter 1-13.

- The Legal staff will provide a Legislative update.
- The Air Division staff will provide a update on the Air Monitoring Network

II. Items for Discussion, Action or Presentation

At this time, Mr. Hugh Gramling, one of the invited speakers, had not arrived and the Chairman suggested that Rick Tschantz proceed with item b, the Legislative update, while waiting for Mr. Gramling.

b) Legislative Update

Rick Tschantz, General Counsel, explained that this year's Legislative Session starts tomorrow, March 2nd and that nothing is concrete as of yet; however, he referenced three proposed bills that the Agency is concerned with and would be tracking:

- 1) The Fertilizer "Glitch" Bill that would amend SB 494 which past last year and required counties to implement, at minimum, the state model ordinance regarding fertilizer use. The proposed amendments to the existing regulation would establish specific criteria that local governments would have to meet in order to adopt a more restrictive fertilizer ordinance.
- 2) The Jobs Bill which contains a section that addresses the delegation of the State ERP program to local governments and could potentially affect the ability of local programs to issue permits similar to ERP.
- 3) An amendment to the Right-to-Farm Act that would prevent local governments from enforcing existing regulations pertaining to the agricultural industry.

a) Continued Discussion on proposed EPA rule pertaining to numeric nutrient standard

Richard Boler, General Manager Wetlands & Watershed Division, explained how to determine impairment under the methodology employed by the EPA. In response to a request made during the February CEAC meeting, Mr. Boler produced maps of the fresh water bodies within Hillsborough County that would be subject to the EPA's proposed numeric nutrient standards. The maps illustrated which water bodies would exceed or meet the Instream Protective Values for total phosphorous and total nitrogen and the Downstream Protective Values for total nitrogen based on the Geometric Mean, the methodology employed by the EPA.

The staff will request the Commission send a letter to the EPA indicating that the projected downstream values are not appropriate. The Tampa Bay Estuary Program has issued a white paper that indicates the loading rates established through the Nitrogen Management Consortium's Reasonable Assurance Document are fully protective of the designated uses.

Invited speaker, Hugh Gramling, provided each CEAC member a list of the FDEP's main concerns with the EPA's proposed numeric nutrient criteria. Mr. Gramling, representing the agricultural industry, indicated that there would be little or no effect on the agricultural community so long as farmers following the BMP's would be protected from cause; however, if that would change, then Mr. Gramling felt the cost to agriculture would be catastrophic.

Invited speaker, Phil Compton, representing the Sierra Club, showed photographs illustrating the nutrient problems occurring in water bodies throughout the state. He handed out a statement issued by the U.S. EPA, A Guide to EPA's Proposed Numeric Nutrient Water Quality Criteria for Florida, published by IFAS, and a Primer on EPA's proposed rule entitled "It's Time to End the Slime." Mr.

Compton represented the Sierra Club's position in support of the approach being taken by the EPA in establishing numeric nutrient criteria for the State.

c) Update from Joy Ingram regarding retail plastic bags

CEAC member, Joy Ingram, distributed copies of a summary of the FDEP's draft recommendations, a copy of a letter from Michael Sole to Governor Crist, the Senate President and the Speaker of the House regarding this issue, and the proposed FDEP options for discouraging and reducing the use of single-use retail bags.

Ms. Ingram informed the Committee that the draft recommendations that were included in the initial draft report were not included in the FDEP's final recommendation to the Legislature. Ms. Ingram, when asked her opinion, suggested that a phased approach may be appropriate and that regulation should be at the state level which would make it easier for the large retailers to comply with. It would be difficult and more costly for the large retailers to try to comply with many different local initiatives.

Ms. Ingram indicated that there was no requirement for the Legislature to address this issue in the upcoming session.

The Chairman encouraged Ms. Ingram to put forth her ideas in the form of a motion at the next CEAC meeting.

III. Other Business

Dr. Echelberger mentioned that he spoke with a TECO Engineer who expressed an interest in speaking to the Committee regarding the efforts TECO has made to improve air quality. It was suggested that the Committee might be interested in extending her an invitation to speak to the group. The Air Division is scheduled to discuss this issue in May and members thought that it would be appropriate to have her speak at that time. Dr. Echelberger agreed to contact her.

Jeremy Burris mentioned that he met and spoke with a representative from a water company; he did not have her business card with him but thought the company was called AE Com. Mr. Burris felt that she had some very interesting ideas about water storage and conservation and thought that the Committee may be interested in this topic. The Chairman requested that Mr. Burris gather some information about the company and a possible presentation and bring it back to the Committee for consideration. Mr. Burris agreed to gather additional information.

IV. Agenda Items for April 12, 2010 CEAC Meeting

Dr. Garrity requested a change to the items scheduled for the April 12th meeting. He asked that the update on the Air Quality Standards and the proposed Office of Sustainability be moved to the May agenda so that EPC staff could present the proposed cost recovery plan and proposed amendments to Chapter 1-6, Services – Fee Schedule Rule to the Committee at the April meeting prior bringing to the Commission at the April 18th EPC meeting. The Committee agreed to make the change.

The April agenda will include a review of the proposed Fertilizer Rule, Chapter 1-15, a review of the proposed cost recovery plan and a Legislative update.

A motion was made to adjourn, the motion passed and the meeting was adjourned at 5:13 p.m.