

Citizens Environmental Advisory Committee Meeting Minutes – April 12, 2010

Members in attendance

Daniel Alberdi, Jeremy Burris, Hallie Calig, Deborah Cope, Roy Davis, Wayne Echelberger, Ph.D., Harold Falls, Melanie Higgins, Joy Ingram, David Jellerson, Vicki Kenyon, Kim Koleos, Dale Meryman, Ph.D., Cam Oberting

Members absent

Jeremy Burris, Ann Hodgson, Ph.D., George Parker, Jr.

Guests

Nanette O'Hara, Tampa Bay Estuary Program, Todd Josko, Scotts Miracle Gro

EPC Staff in attendance

Dr. Garrity, Executive Director; Ricardo Muratti, Esq.; Assistant Counsel; Jeannette Figari, CEAC Liaison.

I. Regular Business

Chairman Alberdi called the meeting to order at 3:00 p.m.

a) Public Comment

The Chairman called for public comment, no one spoke at this time.

b) Approval of the February 1, 2010 and March 1, 2010 Minutes

A motion was made to approve the February 1st minutes, the motion passed unanimously. A motion was made to approve the March 1st minutes, the motion passed unanimously.

c) Review of the March 18, 2010 EPC Meeting

Rick Muratti, Assistant Counsel, gave a brief review of the issues that were addressed at the March EPC meeting.

- The Commission conducted a Public Hearing regarding the Delegation Rule, Chapter 1-13. The Commissioner voted to approve staff's recommendation to accept the proposed amendments.
- Staff requested that the Commission set a Public Hearing to consider amendments to Chapter 1-6, Services-Fee Schedule. The Commission requested a workshop on the cost recovery plan be scheduled prior to setting a public hearing date. It was determined that a Commission workshop would be scheduled for the April 15th EPC meeting.
- The Legal Department provided a Legislative update and an update on the status of the ERP delegation.

d) Preview of the April 15, 2010 EPC Meeting

Rick Muratti, Assistant Counsel, provided a brief summary of the proposed items to be included on the April EPC Agenda.

- The three winners of the EPC Science Fair Awards will be recognized at the April meeting. Each of the winners will receive a certificate and a savings bond.
- The staff will conduct a Commission workshop to discuss the cost recovery plan and will request that a public hearing be scheduled for the May 20th EPC meeting.

- An update on the progression of the Fertilizer Rule development will be provided and staff will request that the Commission approve setting a public hearing to consider adoption of the Fertilizer Rule during the June 10th EPC meeting.
- A Final Order Hearing on *Evelyn Romano, Warren Dixon and Andrea Braboy vs. City of Tampa, Department of Public Works and EPC* will be conducted.
- The Legal Department will provide a legislative update

II. Items for Discussion, Action or Presentation

a) Review of the Proposed Fertilizer Rule, Chapter 1-15

Tom Ash, Water Management Division, using the power point presentation prepared for the April EPC meeting, provided an overview of the rule development. He explained the current statutory requirements contained in the State Model Ordinance, informed the Committee of the directives given by the Commission, the workshops that were held, the intergovernmental coordination efforts, and the outreach efforts undertaken by EPC staff.

Rick Muratti, Assistant Counsel, provided details of the pending legislation that would add additional requirements for local governments to meet before being allowed to adopt a stricter local fertilizer ordinance and of the proposed legislation addressing the required certification of commercial applicators.

A discussion ensued regarding the enforcement of the proposed rule.

The Chairman requested that staff review the proposed rule provisions prior to hearing the guest speakers so that Committee members would have a better overview of what is being proposed. Mr. Muratti and Mr. Ash proceeded with a review of the provisions.

The first guest speaker, Mr. Todd Josko, representing Scotts Miracle Gro Company, spoke about the Company and their environment considerations, the Company's involvement with the Fertilizer Task Force which led to the development of the State Model and their position that the State Model was sufficient and should be enacted throughout the Counties.

The second guest speaker, Nanette Holland, Outreach Coordinator for the Tampa Bay Estuary Program (TBEP), utilized a power point presentation to demonstrate the need for the adoption of a stricter Fertilizer Rule. She addressed such issues as using seagrass growth as a measure of water quality, the relations of algae blooms to excess nutrients, and the higher cost of having to remove nitrogen from the Bay. She presented the TBEP's position on various provisions within the proposed rule.

The CEAC Chairman, Danny Alberdi, made a motion to recommend the Commission support the TBEP's model ordinance as incorporated by the EPC. The motion was seconded and then the motion was open for discussion. Discussion ensued and the motion failed; 2 approve, 10 oppose.

Concerns were expressed by the Chairman that the window for CEAC to comment on the pending legislation\ was closing and expressed a desire to take some action to make their position known.

Deborah Cope made a motion to send a letter to the Governor and the appropriate Legislative representatives stating that CEAC did not want the State to restrict Hillsborough County's ability to enact a stricter fertilizer ordinance. The motion was seconded. Discussion ensued and the motion passed; 7 support, 5 oppose.

Mr. Davis made a motion to include the vote in the letter. The motion was seconded and the motion passed; 6 support, 5 oppose. Note, one member had left after the prior vote.

b) Legislative Update

Rick Muratti briefly summarized the status of the bills that the Agency was monitoring: the fertilizer bills (SB1445, HB382); the “jobs” bills (SB1752, HB1509); the Agricultural bills (SB 724, HB7103); and the petroleum cleanup bills (SB2592, HB1385).

III. Other Business

No other business was addressed at this time.

IV. Agenda Items for the May 3, 2010 CEAC Meeting

A final review of the Fertilizer Rule, Chapter 1-15, was scheduled for the May meeting. In addition to this item, Hallie Calig suggested that the Committee consider scheduling a presentation on water re-use opining that the subject matter would be relevant to the discussion of the fertilizer rule. Ms. Calig offered to invite speakers to address the regulator aspects and the stormwater aspects of water re-use. CEAC members agreed to add the topic to the agenda.

Expressing concern over the time allotment, CEAC members agreed to move the Air Division updates on Air Quality Standards for Ozone and Lead and the Office of Sustainability to the June meeting.

A motion was made to adjourn, the motion passed and the meeting was adjourned at 5:27 p.m.