

Citizens Environmental Advisory Committee Meeting Minutes –February 1, 2010

Members in attendance

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

Members absent

Roy Davis, Melanie Higgins, George Parker, Jr.

Guests

None

EPC Staff in attendance

Richard Tschantz, General Counsel; Hooshang Boostani, Waste Management Director; Chris Dunn, Water Management Division Director; Richard Boler, Wetlands & Watershed Division, Sam Elrabi, Water Management Division; Tom Ash; Wetlands & Watershed Division; Jeannette Figari, CEAC Liaison.

I. Regular Business

Chairman Alberdi called the meeting to order at 3:02 p.m.

a) Public Comment

There were no members of the public present.

b) Approval of January 4, 2010 Minutes

A motion was made to approve the January 4, 2010 minutes. No corrections were noted and the motion passed unanimously.

c) Review of January 14, 2010 EPC Meeting

The January meeting was cancelled.

d) Preview of February 18, 2010 EPC Meeting

Rick Tschantz provided a brief preview of the issues to be addressed at the upcoming February EPC meeting.

- Staff will update the Commission on the upcoming Fertilizer workshops.
- Legal staff will provide a Legislative update on issues that are pertinent to the EPC.
- The Wetlands & Watershed Division staff will provide an informational report on the proposed numeric nutrient standards and the proposed classification of surface waters.
- The Wetlands & Watershed Division will submit a final quarterly report on the Hybrid Plan.
- The Waste Division staff will report on the Mulch BMP policy that the Executive Director will adopt and the MOU between the Waste Division and The Affordable Housing Dept. which will provide for EPC staff to perform the necessary environmental assessments.
- The Air Division staff will provide an asbestos update to the Commission.

e) Status Report on Fertilizer Ruled Development

Rick Tschantz indicated that three workshops have been scheduled by EPC staff in compliance with the direction provided by the Commission. Two workshops are scheduled for March 2, 2010. The first one will be held from 2:00-4:00 p.m. at the Children's Board in Ybor City and the second will be held at the EPC offices from 6:00-8:00 p.m. The third workshop is scheduled for March 31, 2010 and will be held at the EPC offices from 6:00-8:00 p.m. EPC staff will take input from the public regarding the proposed rule language during these workshops.

In compliance with EPC rulemaking regulations, a noticed Public Hearing is anticipated to be held sometime in May. No decision has been made yet as to whether the Hearing will take place during the regular Commission meeting or whether it will be scheduled at a different time.

Mr. Tschantz indicated that staff would schedule discussion on the proposed rule for the April 12th CEAC meeting and again, for a final review, at the May 3rd meeting. CEAC members requested that the proposed rule language be forwarded to them as soon as it becomes available.

II. Items for Discussion, Action or Presentation

a) Update on proposed EPC rule pertaining to numeric nutrient standards

Richard Tschantz, General Counsel, provided the legal background that led to the EPA's establishment of the proposed numeric nutrient standards and the proposed rule adoption. According to Mr. Tschantz, in July of 2008, five environmental groups filed a lawsuit in Federal Court claiming Florida's narrative standards were non-compliant with the Clean Water Act, Section 303. In August 2009, the Court entered a Consent Decree requiring that the EPA set numeric criteria for the State of Florida's lakes and flowing waters. The deadline for publication of the proposed criteria was January 14, 2010 with the final adoption being slated for October 2010.

Richard Boler, General Manager Wetlands & Watershed Division, distributed a copy of the EPA's water quality website page to each CEAC member and referenced the 197 page document that was submitted for publication in the Federal Register on January 14, 2010. A link to the document is available on the EPA's water quality website. Mr. Boler utilized a power point presentation to highlight and summarize the history, the existing FDEP criteria for surface water quality, the proposed numeric nutrient criteria and other provisions contained within the draft rule, and to identify potential issues related to the proposed rule.

Chairman Alberdi suggested that discussion on this issue be continued at the March CEAC meeting. There was much debate among the members as to what type of additional information to seek, whether or not to invite speakers, what, if any, action CEAC might consider, etc. Mr. Boler offered to provide a map of the currently impaired waters within Hillsborough County and a map of the potentially impaired waters that would result from the imposition of the proposed standards. CEAC member, Deborah Cope offered to try and get a copy of the comments from Earth Justice (David Guest) regarding the proposed standards and a request was made that other CEAC members conduct some research and bring it back to CEAC in March.

b) Brief overview of EPC's proposed fee adjustments for 2010

Chris Dunn, Water Management Director, provided a conceptual overview of the EPC's proposal for fee adjustments and indicated that the proposal had not yet been discussed with the Commissioners and was just in the preliminary phase. According to Mr. Dunn, Hillsborough County has adopted a user fee recovery policy, also adopted by the EPC, that provides for the routine adjustment of

fees to recover the same portion of costs over time. The EPC last adjusted their fees in 2003; therefore in order to come into compliance with this existing policy, the EPC plans to evaluate the current fee schedule and propose fair and reasonable fee adjustments to be implemented by October 2010. The proposal would include two primary recommendations. The first would be to adjust service fees for inflation using the Consumer Price Index (CPI) to calculate the percentage change for the period since fees were last adjusted. This amounts to an approximate 20% increase. The second is to identify the areas where new service fees may be appropriately assessed for existing services.

Mr. Dunn indicated that staff is considering bringing the proposed fee adjustment to the Commission in March and requesting that the Commission authorize staff to proceed with the rule amendment process. Currently, the expectation would be to bring the finalized proposal to the Commission in May for approval.

c) Planning session for future CEAC meetings

Committee members considered possible topics for discussion during the 2010 calendar year. Hallie Calig offered to coordinate a presentation regarding water reuse if Committee members were interested. The topic was identified as a possible item for discussion at a future meeting.

It was determined that the topics for discussion at the upcoming March meeting would include a continued discussion regarding the EPA's proposed numeric nutrient standards, a Legislative update and an update on the DEP's position concerning retail plastic bag regulation.

Additional topics scheduled for discussion included; air quality standards for lead and ozone (April), update on Office of Sustainability (April), continued Legislative updates, initial review of proposed Fertilizer Rule (April), final review of proposed Fertilizer Rule (May), water reuse (possible for May); and PRF project updates (August). A discussion on the effectiveness of recycling programs and a status update on the Cockroach Bay poll & troll zone were also identified as possible topics.

III. Other Business

Tom Ash informed the Committee that the Agency would not be soliciting Pollution Recovery Fund project applications this year. The fund currently has a minimal balance and it was determined that the most prudent course of action would be to allow time for the fund balance to recover. Mr. Ash indicated that there are currently 30 active projects and, if CEAC was interested, he would contact some of the project managers and schedule project updates for the Committee.

Agenda Items for March 1, 2010 CEAC Meeting

- Continue discussion of proposed numeric nutrient standards
- Receive Legislative update from Legal staff
- Update on Retail Plastic Bag issue presented by Joy Ingram

With no further business to address, a motion was made to adjourn. The motion passed and the meeting was adjourned at 5:30 p.m.