

COMMISSION  
KEVIN BECKNER  
VICTOR CRIST  
KEN HAGAN  
AL HIGGINBOTHAM  
LESLEY "LES" MILLER  
SANDRA L. MURMAN  
MARK SHARPE



ROGER P. STEWART CENTER  
3629 Queen Palm Dr. Tampa, FL 33619  
Ph: (813) 627-2600

FAX NUMBERS (813):  
ADMIN 627-2620 WASTE 627-2640  
LEGAL 627-2602 WETLANDS 627-2630  
WATER 627-2670 AIR 627-2660  
LAB 635-8061

Executive Director  
RICHARD D. GARRITY, Ph.D

February 2, 2011

Secretary Herschel T. Vinyard, Jr.  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd.  
Tallahassee, FL 32399

**SUBJECT: Environmental Protection Commission of Hillsborough County  
Petition to FDEP for partial ERP delegation  
Compliance with Executive Order No. 11-01**

Dear Secretary Vinyard,

In an effort to reduce government bureaucracy and increase efficiency, the Environmental Protection Commission of Hillsborough County (EPC) has requested, pursuant to Section 377.441, Florida Statutes (F.S.), that the Florida Department of Environmental Protection (FDEP) delegate portions of its existing state environmental resource permitting program to the local government. The initial petition for delegation was submitted to the FDEP on January 10, 2008. To finish the process of delegating the partial program to the EPC, the FDEP must conduct rulemaking for the adoption of the delegation agreement. The staff of the EPC is requesting your assistance in the effort to finish the rulemaking process.

The EPC and the FDEP are seeking to develop a streamlined one-stop permitting program wherein for a certain set of proposed impacts, one consolidated review and one application fee will be considered to authorize an activity on behalf of the local, state, federal and even proprietary review. This proposed delegation will further the goal of providing an efficient, effective, and streamlined environmental resource permit program pursuant to the provisions of subsection 62-344.500(2), Florida Administrative Code (F.A.C.). It is important to note, the adoption of the proposed partial delegation of the FDEP's environmental resource permit program to the EPC will reduce application fees, increase efficiency, streamline permitting, and will not include any new regulations.

Chapter 62-344, F.A.C. implemented under Sections 373.103(8) and 373.441, F.S., guides the participation of counties, municipalities and local pollution control programs in an efficient, streamlined permitting system by setting forth the procedures and requirements for delegations of all or a part of the environmental resource permit program from the FDEP and water management districts to local governments. This proposed delegation will further the goals of the Executive Order No. 11-01 executed by the Governor's office on January 4, 2011. The proposed delegation: (1) will not unnecessarily restrict entry into any profession or occupation; (2) will not adversely affect the availability of professional or occupational services to the public; (3) will not unreasonably affect job creation or job retention; (3) will not place unreasonable restrictions on individuals attempting to find

An agency with values of environmental stewardship, integrity, honesty, and a culture of fairness and cooperation.

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e-mail: [epcinfo@epchc.org](mailto:epcinfo@epchc.org)

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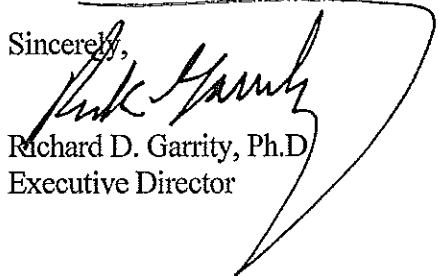
employment; (4) will not impose burdensome costs on businesses; and (5) the delegation is justifiable when the overall cost-effectiveness and economic impact of the regulation, including indirect costs to consumers, is considered. In fact, the proposed delegation will decrease fees and regulatory burdens on the residents and businesses located in Hillsborough County. The delegation will simplify the process for seeking impacts to surface waters in Hillsborough County and will only positively impact business through job creation and retention.

Currently, the EPC implements a surface water regulatory program pursuant to its enabling act Chapter 84-446, Laws of Florida, as amended. The EPC has adopted its local regulations concerning surface water impacts in its existing Wetland Rule Chapter 1-11 and the Basis of Review For Authorization of Activities Pursuant to Chapter 1-11 – Wetlands. The EPC also implements several other related regulations, including the delegated Mangrove Trimming and Preservation Rule Chapter 1-14 and the Water Quality Standards Rule Chapter 1-5, Rules of the EPC. The EPC also currently has an interlocal agreement to perform the environmental and proprietary reviews for the Tampa Port Authority, which currently holds title to all navigable sovereign submerged lands in Hillsborough County. Consolidating all of these reviews with the state environmental resource permit program will result in a positive impact on the regulated community and the environment.

Overall, the proposed delegation will: 1) reduce agency time and resources associated with reviewing and acting on applications to impact wetlands and other surface waters in Hillsborough County; and 2) save applicant's time, resources and fees in applying for impacts in Hillsborough County. Therefore, any direct or indirect impacts to individuals, including businesses, will only be positive. Finally, all of the costs, and the time associated with reviewing, preparing, and acting on applications submitted to the FDEP's District Office for those activities that qualify for delegation will be eliminated if the proposed delegation is adopted, thus reducing existing burdens on the state agency and freeing resources to be used for other purposes.

For the above reasons, the EPC would like to request your assistance in requesting the Office of Fiscal Responsibility and Regulatory Reform direct that this proposed rule adoption proceed in a timely manner.

Sincerely,



Richard D. Garrity, Ph.D.  
Executive Director

cc: Andrew Zodrow, Assistant Counsel, EPC  
Ned Luczynski, Deputy Director, Office of Fiscal Responsibility and Regulatory Reform  
Geof Mansfield, Acting Deputy Secretary Regulatory Programs, FDEP  
Doug Fry, OSLER, MS 2500, FDEP  
Pamela Vazquez, Program Administrator, SW Dist. Office, FDEP  
Christine Francescani, OGC, FDEP