

# Review of Alachua County's Environmental Protection Department

Conducted by Alachua County's  
Environmental Protection Advisory Committee (EPAC)

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## Summary

The Environmental Protection Advisory Committee (EPAC) has undertaken a comprehensive review of Alachua County's Environmental Protection Department (EPD) – the first such review in nine years. Three considerations make this assessment timely: (1) fresh criticisms of EPD, including its possible duplication of services provided by other agencies, (2) EPD's appropriate role in light of policy and budgetary changes at sister agencies, and (3) determination of EPD's future priorities. This review was approved by a unanimous Committee vote on June 19, 2012.

Our conclusions were based both on extensive program reviews provided by EPD staff and on views expressed by a wide range of County residents and by managers at various State agencies. Survey participants were asked to respond to five questions relating to EPD: (1) is EPD effective and efficient? (2) do any of its services duplicate services provided by other agencies? (3) does EPD act appropriately in carrying out Commission policies in the enforcement of environmental and land development regulations and in other areas? (4) should EPD's roles be changing given diminished budgets in other agencies (e.g. water management districts)? and (5) what should EPD's future priorities be?

Given that their cost amounts to \$12 per County resident, we found that the services provided by EPD are certainly cost-effective. EPD activities do overlap those of State and Federal agencies in a number of areas, but we found no evidence that this overlap constitutes duplication. Often it is a matter of EPD conducting monitoring, assessment, or enforcement activities which are beyond State or Federal requirements but which are mandated by the County Commission through its Comprehensive Plan or Land Development Regulations, or both. On other occasions, EPD may provide similar services to other agencies, but does so in a more finely grained, localized manner or on a prompter, more responsive schedule. None of the respondents from State agencies with similar responsibilities as EPD cited any examples of duplication involving EPD and those agencies.

In a more flush budgetary period, EPAC would recommend that the EPD budget be put on a moderate growth path, for several reasons: (1) EPD's ability to leverage its core budget with funding from other sources is diminishing, due to cuts at State agencies; (2) as the economy rebounds, there will be increasing demands for environmental review on development projects; (3) the County is now tasked with managing and improving over 10,000 acres of conservation lands; and (4) ongoing problems with the quantity and quality of our water resources demand a more proactive approach by EPD.

If, however, the Commission decides not to increase EPD's resources, we would caution against deep cuts. There are no low-hanging fruit in this budget. Since EPD's programs are tightly targeted and well evaluated, budget cuts would produce predictable results, and we have tried to indicate what these results would be. The Commission should be aware that if it makes significant cuts, real and potentially negative consequences to EPD programs will be the inevitable result.

We also provided some advice to EPD. EPAC believes that there is no reason to think that the current crises in water quality and water quantity are temporary; therefore EPD should increase

its attention to these issues. The department has moved in this direction over the past several years, but the trend should be accelerated. Whether the County should become more assertive in protecting its water resources by challenging State regulatory decisions should be a matter for serious, strategic discussion by the County Commission. We also recommend that EPD be more aggressive in bringing environmental issues to the Commission's attention and in stretching its budget through alternative funding sources, volunteer programs, and enhanced public-private partnerships.

In reaching out to a broad swath of the community, we expected to hear highly complimentary as well as highly critical comments on EPD's performance. We did hear both, but by and large the critical comments amounted to assertions without detail or context, too poorly documented to provide a basis for sound policy-making or budget evaluation. This was unfortunate; we were more than willing to dig into any citizens' complaints about misplaced priorities, malfeasance, or wasteful spending. It was troubling that many of the political and business leaders that we contacted decided not to respond to our solicitation. We can only conclude that they have no significant problems with EPD, or alternatively, that they do but for whatever reason chose not to make those concerns public. We find their silence regrettable and unhelpful in our efforts to promote continuous improvements in government services.

Nonetheless, this oversight of EPD has been informative and useful to EPAC members and hopefully to EPD and the County Commission as well. We would recommend that other County Advisory Committees, as appropriate, periodically review the performances and budgets of the departments that fall under their purview.

## Introduction

Florida's 1985 Growth Management Law required all counties to adopt natural resource protection goals, objectives, and policies into their comprehensive land use plans. The Alachua County Commission assigned these responsibilities to the EPD.

Alachua County, for years, had experienced many severe pollution problems that were not adequately addressed by the Florida Department of Pollution Control, Florida Department of Natural Resources, Florida Department of Environmental Protection (FL-DEP), the U.S. Environmental Protection Agency, or the State's water management districts (WMDs). Through the 1980s and 1990s, the County adopted ordinances to protect rural and urban well fields, monitor sewage treatment plants, halt illegal hazardous waste dumping, and identify and clean up toxic waste sites. EPD was charged with implementing these ordinances, as well as promoting public education in pollution prevention.

Alachua County's Environmental Protection Advisory Committee (EPAC) is comprised of 12 citizen-volunteers appointed by the County Commission to advise the Commission on environmental and natural resource issues affecting the County. EPAC members are a diverse lot, including representation from these professions: farming, science and engineering, public school teaching, private consulting, health care, forestry, and criminal justice.

In early 2012, EPAC voted to undertake a comprehensive review of Alachua County's Environmental Protection Department (EPD) – the first such review in nine years. In 2003, EPD provided the Commission with a memo addressing concerns about potential duplication of services provided by EPD and other Florida agencies, including WMDs and FL-DEP<sup>1</sup>. The memo's conclusion was that EPD's programs "are specifically developed and conducted to avoid duplication with other agencies".

By 2012, these concerns about duplication had re-surfaced, along with criticisms of EPD's regulatory and land conservation activities. These criticisms were vented in County Commission meetings, on websites of County Commission candidates, on local talk radio, and in political blogs.

EPAC decided that a fresh review of EPD would be timely for three reasons: (1) to assess the merits of the criticisms mentioned above, including possible duplication of services, (2) to reconsider EPD's appropriate role in light of policy and budgetary changes at sister agencies (e.g. recent cuts in WMD budgets) which might affect EPD's budget and responsibilities, and (3) to consider whether EPD is focused on the right priorities, given changes in the physical environment (e.g. the current water crisis).

At its monthly meetings in early 2012, EPAC agreed that the EPD review would be based on answers provided by a wide range of interested parties to five basic questions relating to EPD's mission and performance:

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<sup>1</sup> The 2003 DEP memo and many other documents related to this study may be found on the Alachua County website at <http://www.alachuacounty.us/Depts/EPD/Pages/epac.aspx>

1. Is EPD effective and efficient?
2. Do any of its services duplicate services provided by other agencies?
3. Does EPD act appropriately in carrying out Commission policies in the enforcement of environmental and land development regulations and in other areas?
4. Should EPD's roles be changing given diminished budgets in other agencies (e.g. water management districts)?
5. What should EPD's future priorities be?

Responses to these questions from community leaders are at the heart of this report.

## Methodology

In its first four regular monthly meetings of 2012, EPAC conducted comprehensive reviews of all EPD programs with responsible EPD staff. Appendix 1 lists these program briefings and provides a link to the County website which contains power-point presentations of these briefings as well as all documents, interviews, and background material related to this study.

Our intention in conducting this review was to solicit the broadest input possible. A website explaining the study's purpose and containing all materials relevant to it was established early on and was updated regularly. We sent the five questions listed in the Introduction section of this report to a wide variety of community leaders thought to have the most knowledge of, experience with, or interest in EPD. However, no one in the community was discouraged from responding, and several others did who heard about the study through word-of-mouth. The following groups and individuals were contacted by EPAC members via phone and/or email for their views:

- All five sitting County Commissioners
- All 12 candidates for the County Commission in the 2012 elections
- Business leaders – Gainesville Area Chamber of Commerce, Gainesville-Alachua County Association of Realtors, Builders Association of North Florida
- Environmental organizations – Sierra Club, Florida Springs Institute
- Suwannee River WMD and St. Johns River WMD
- Florida Department of Environmental Protection
- City of Gainesville and GRU
- The County's major landowner (Plum Creek)
- Gainesville Tea Party
- A former County Commissioner and a former County Executive

Every individual that we contacted was given at least three months to respond. Some never did, but many did provide responses, which may be read online at the previously noted website.

Three points are worth noting. First, we did not investigate gripes that individual citizens may have had with EPD – for example, a disagreement with how EPD regulated a wetland on a citizen's property or how rigorously it was enforcing a particular code provision. We were more

interested in overall performance, and felt that relevant organizations (e.g. builders or the Sierra Club) could provide this broader perspective and in a sense speak for individuals who might have had a problem with EPD's performance of its duties.

Second, this survey and subsequent report were not designed to be a rigorous statistical undertaking. We asked for the views of many concerned people and groups, and we have summarized their responses (and provided our conclusions) as best we can.

Lastly, we had no preconceived conclusions when we undertook the study. We fully expected to hear criticisms and to conclude that some were valid and that others were less so. We expected, and indeed hoped, to find that EPD could and should re-orient its priorities to some degree, shedding functions that had outlived their usefulness and perhaps moving into other areas where more effort was clearly advisable. We tried to ask the hard questions and provide a balanced assessment, based on the collective wisdom of EPAC members and of the community.

## Brief Background on EPD's Organization and Activities<sup>2</sup>

It's probably fair to say that many in the community tend to credit or blame EPD for some things that it doesn't do, but are unaware of many activities and responsibilities that are in fact part of its mission. In the former category, many would be surprised to learn that EPD issues no permits for any County development. That responsibility falls to Public Works, Growth Management, and other departments<sup>3</sup>. EPD weighs in on water quality considerations related to storm water but does not approve or disapprove the design of storm water systems. That's a matter for the Public Works Department. And EPD has no authority over tree removal, or tree planting, or landscape design. It tends to regulate and protect forest ecosystems, not individual trees. Some of these misunderstandings came up during this review, and reflect the fact that the County could be more effective in communicating the roles, responsibilities, and regulatory authority of its various departments to the citizens of the County.

So what in fact does EPD do? This is best answered by looking at the six sections into which EPD is organized:

- **Land Conservation.** Two voter-approved referenda have allowed the County to acquire nearly 20,000 acres of County land over the past decade in order to protect water resources and wildlife habitat and to provide recreational opportunities. With the cut-off of matching State funding for acquisition, the program's emphasis is now on land

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<sup>2</sup> Much of this brief description of EPD comes from Alachua County's fiscal years 2012-2013 budget document. For a full description, refer to <http://www.alachuacounty.us/Depts/EPD/Pages/epac.aspx> or to the County budget: <http://www.alachuacounty.us/Depts/OMB/Documents/Alachua%20County%20FY%202012%20Tentative%20and%20FY%202013%20Planned%20Budget%20Document.pdf>

<sup>3</sup> EPD does of course weigh in on permit applications and may have the ability to hold up a permit application if it determines that the project would conflict with County policy expressed in the development code. The point here is only that EPD does not actually issue any permits.

management including: prescribed burning; land restoration; working out conditions for cattle grazing, timber harvesting, and hunting; providing infrastructure (e.g. paths, fences, signs); and opening more lands for public use. While it might seem to some that Alachua County's land conservation program has eaten up huge chunks of land, in fact the County is in the middle rank of Florida counties (34<sup>th</sup> of 67) in percent of County lands in conservation status (19%)<sup>4</sup>. About 40 percent of the conserved acreage has trail systems open to the public, and about 20 percent more is open by appointment. Much of the remaining 40 percent is scheduled to be opened over the next 4-5 years, depending on budgets.

- Water Resources. The goals of this program are to protect and improve the County's water resources. Its activities are many: regular inspections of 17 waste water treatment plants across the County; enforcement and investigation of complaints regarding the County's landscape irrigation code, general water quality concerns, etc.; monitoring of surface waters for excessive nutrients and coliform bacteria; monitoring of groundwater and springs; public education; and research into a number of current issues such as mapping springsheds. Key water issues going forward include water conservation and springs restoration.
- Natural Resources. Because of its regulatory role vis-à-vis development projects, this is probably the most scrutinized of EPD's sections. Its role is to implement the natural resource protection requirements of the County's Unified Land Development Code and its Comprehensive Plan, both of which were approved by the County Commission. It does this through complaint investigations, inquiry response, compliance inspections, enforcement activities, guidance on best practices, and interagency coordination, as well as through reviews for all building permits, development and plat reviews, Comprehensive Plan Amendment requests, and zoning applications. The goals are to: protect natural resources during all stages of development; inform and educate the general public about natural resources protection best practices and requirements; seek compliance of sites that are found to be in violation of the land development code; and provide technical assistance and/or collaboration in the area of natural resource protection to other agencies, departments, organizations, and citizens of Alachua County. Several of the resource evaluations conducted by the Natural Resources section (e.g. strategic ecosystems and 100-year floodplain) are mandated only in the County code – that is, not in State or Federal regulation.
- Pollution Prevention. This section aims to protect the soils, groundwater, surface water and air of Alachua County from pollution caused by hazardous materials and petroleum discharges. Clean-up of petroleum contamination in soils and groundwater from old tank sites such as gasoline stations is funded by a FL-DEP contract. Over 300 State-regulated fuel tanks, both under- and above-ground, are inspected regularly under another FL-DEP contract. Other programs provide for the reuse, recycling, and disposal of household and

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<sup>4</sup> Percentages of adjoining counties in conservation land: Marion (35%); Clay (32%); Columbia (28%); Putnam (25%); Levy (24%); Bradford (10%); Union (5%); Gilchrist (4%).



small business hazardous wastes and promote pollution prevention education in the County.

- Hazardous Materials Management. This section helps businesses comply with local, State, and Federal hazardous materials and hazardous waste regulations. There are approximately 1100 regulated businesses in the county. The group also assists local emergency response agencies with reducing the environmental impact of vehicle crashes and other hazardous material spill responses. It also responds to complaints involving businesses, construction sites, and some residential settings.
- Hazardous Waste Collection. EPD provides County residents a free, convenient, and environmentally friendly service for the disposal and recycling of household hazardous wastes including household chemicals, automotive fluids and batteries, paints, pesticides, corrosive chemicals, solvents, unwanted medicines, old electronic equipment, fluorescent and other mercury containing bulbs, and other hazardous products.

### Brief Background Notes on EPD's Budget and Staffing

- EPD costs each County resident, on average, about \$12 per year. EPD's share of the County's combined General Fund + MSTU budgets is about 1.5 percent.
- EPD's annual budget is roughly \$4 million. About \$3 million comes from Alachua County residents or businesses, from several sources: (1) General Fund; (2) Municipal Service Taxing Unit (MSTU); (3) user fees related to commercial hazardous waste, and (4) pass-through of some solid waste fees. The additional \$1 million comes in part from the Federal government and water management districts, but mostly from State grants related to hazardous waste centers, hazardous waste disposal, and petroleum clean-up. Only about 35-40% of EPD's funding comes from the General Fund.
- Between 2009 and 2012, EPD's staffing fell nearly 9 percent, to 35.5 full-time equivalent positions. This was the second largest percentage reduction in staffing among all County departments.
- Alachua County clearly has the largest and most capable environmental department in North Central Florida. Some of this capability is essentially contracted out to other local entities. For example, EPD assists the City of Gainesville with hazardous material development reviews (including well-field protection), emergency response to hazardous spills, landscape irrigation inspections, and water quality sampling and monitoring. EPD also receives State funding to provide hazardous waste collection in eight neighboring North Florida counties.
- Due to differences in area, population, and habitat characteristics, it is difficult to compare EPD's budget with similar agencies in other populous Florida counties. But here are a few facts. Similarly sized Leon County has more environmental review and

compliance staff and higher permitting fees. Orange County has 4-5 times as many environmental compliance staff as Alachua County, but it also has about four times the population. Volusia County, with twice the population but very limited upland protection, has similar staffing levels as Alachua.

## Respondents' Answers to the Five Basic Questions Along with EPAC's Views

### (1) Is EPD effective and efficient?

Respondents Views: With few exceptions, respondents highlighted the competency of the EPD staff, which was characterized as “squeaky clean” and providing excellent customer service. Several comments noted the staff’s efficiency. For example, one respondent said that the number of staff per acre assigned to manage conservation land seemed to be quite low. Another respondent gave historical examples of how EPD had been proactive and in the lead locally in protecting threatened County resources, including sensitive uplands and the GRU well field. The former mayor of a County municipality praised the timeliness of EPD’s response to environmental emergencies in that small town. Others commented that the Department’s focus on providing pre-construction advice has improved the County permitting process on development projects.

“I have confidence in the staff and in their intentions and abilities”.

“They have an attitude of ‘how can I help you comply?’”.

“They’re very effective – in preventing development”.

A manager at FL-DEP called Alachua County’s hazardous materials management program “the best County program in the State,” one that “helps businesses stay in compliance rather than just acting as an enforcement arm”. He added that “the State program is moving to this method as well”.

There were a few negative comments. One respondent noted that EPD’s organization into six sections seemed too large and convoluted. Another seemed to question EPD’s overall regulatory philosophy, commenting that EPD should partner more actively with private landowners to protect the environment.

EPAC’s Views: EPAC devoted four of its monthly meetings to programmatic briefings from EPD staff and submitted extensive follow-up questions on all of EPD’s programs. Supervisors responsible for EPD’s six programmatic areas made these presentations, and in all cases, they were experienced and very knowledgeable. After this extensive review, we have found no evidence that there is fat in the EPD budget, that it has the wrong people in its supervisory jobs, that it is organized inappropriately, or that it is not efficient in its operations.

A good case in point is the Department’s handling of the Koppers Superfund issue. While other agencies (GRU, U.S. Environmental Protection Agency) had the ability to spend considerable resources and to hire consultants to help them deal with the Koppers clean-up, EPD relied on the

part-time attention of one of its employees – an experienced Ph.D. chemist – to look out for the County’s interests. That employee played, and continues to play, a critical role in a number of aspects of the community’s response to the clean-up plan and has without a doubt catalyzed improvements in that plan and in ongoing health and environmental monitoring. It is hard to imagine how County residents could have realized a better return on their investment.

There are a number of concrete EPD accomplishments in recent years that speak to its efficient stewardship of the County’s environment:

- Thirty-two petroleum-contaminated sites in the County have been cleaned up, and drinking water has been protected by the upgrade of 350 underground fuel storage tanks to double-wall tanks;
- The County has established a first-in-the-State unwanted pharmaceuticals collection and disposal program, as well as a model electronic scrap recycling/reuse capability;
- Over 1400 acres of protected open space has been preserved on 3500 acres of development projects since 2006, as well as 300 acres of wetlands;
- EPD has obtained grants to implement landscape irrigation inspections and to monitor pollution levels in surface waters and groundwater;
- Nearly 20,000 acres of conservation land are being protected and improved.

Given these and many other significant accomplishments, EPAC believes that EPD’s share of the County General Fund (1.5 percent) and its per capita cost to a County resident (\$12 per year) is a bargain.

**(2) Do any of its services duplicate services provided by other agencies?**

Respondents Views: While there were flat assertions from a few respondents that there is duplication between EPD and other agencies, no one gave a credible example of duplication. One commenter seemed concerned that EPD in some cases surpasses State and Federal regulatory requirements. This observation is accurate, because of policies adopted by the Commission, and therefore is not a legitimate criticism of EPD itself.

“You wouldn’t call the U.S. Army to perform local law enforcement. It’s the same with the environment”.

“Why does the County need its own department? [Because] Florida’s Department of Environmental Protection is stretched thin and [because] North Central Florida has a unique set of springs and rivers found nowhere else in the world”.

There were, on the other hand, many testimonials about how EPD supplements, or provides a local focus, to related services provided by State agencies, Federal agencies, or water management districts. Representatives from these agencies consistently stated that EPD’s activities and responsibilities may, because of requirements specific to Alachua County, overlap their agencies’ activities but do not duplicate them. The chief environmental official for the City of Gainesville, for instance, noted that on issues where both jurisdictions are involved (e.g. hazardous materials, Koppers Superfund site), EPD supplies crucial expertise that is lacking in City staff. EPD coached City staff when the City Commission decided to implement uplands protections similar to those in the County, but that support has lapsed as City staffers have gained experience.

Several respondents reflected on past instances when EPD was the only agency looking at environmental threats, including the possibility of hazardous materials releases in the development of the Alachua Progress Center Research Park. It is also the first defense in pollution prevention programs which protect resources and save money by addressing potential problems (hazardous waste, underground fuel tanks) proactively.

EPAC's Views: In 2003, the County Commission solicited the views of several officials at the FL-DEP and the St. Johns River WMD in a "Duplication of Services" evaluation of EPD<sup>5</sup>. With very minor exceptions, that study and the respondents' written comments demonstrated a lack of duplication between EPD's activities and those of its sister agencies in the State. While some circumstances have changed since 2003, mostly related to State budgeting, EPAC has concluded after conducting the current review that this fundamental finding has not changed since 2003.

The response from FL-DEP on this issue was revealing. EPD may in fact be providing services that other counties' environmental agencies are not providing, but that speaks more to the competency of EPD than it does to unnecessary duplication. DEP officials were generous in their praise of EPD's inspection of facilities generating hazardous waste and in its prompt enforcement of various environmental regulations. DEP held out EPD as an example for other counties to follow as the budgets of State agencies are cut and more environmental responsibilities devolve to the local agencies.

Some regulatory overlap that currently exists may disappear in the future, simply because downsized water management districts may abrogate some of their permitting authority.

**(3) Does EPD act appropriately in carrying out Commission policies in the enforcement of environmental and land development regulations and in other areas?**

Respondents Views: As the quotes to the right indicate, views on this question tended to be uncompromising: EPD either executes Commission guidance to the letter, or it is unguided and heavy-handed. If in fact the Department is unnecessarily punitive, the burden is on the Department's detractors to document that sort of behavior with specific examples. None were provided by any of the respondents. Ultimately, it is impossible to assess the validity of claims prefaced with phrases such as "...public perception is that ..." or "anecdotal evidence indicates..."

"It is challenging for any department to appropriately interpret the Commission's comprehensive plans, but EPD tries to do so faithfully. I don't think EPD has ever overstepped the Commission's guidance".

"Chris Bird always tries to do things by the book".

"The public perception is that environmental and land development regulations have become over-burdensome and that enforcement is heavy-handed".

There was some testimony provided to indicate that EPD has taken flak in the past for implementing the Board's policies as intended. Past examples were given when the Board

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<sup>5</sup> The 2003 review is posted on the County website at <http://www.alachuacounty.us/Depts/EPD/Pages/epac.aspx> under the title "EPD Duplication of Services Evaluation 2003".

adopted ordinances which were later repealed after the Board decided they were unreasonable, but EPD took the blame in the interim for enforcing them.

EPAC's Views: Websites of a number of the candidates<sup>6</sup> in the 2012 County Commission elections contain general statements on how environmental and other regulations are impeding job creation and development in Alachua County. These statements are so vague that it is impossible to determine whether the candidates' gripes are with the Commission's policies or the implementation of these policies by EPD and other County departments. The bottom-line, as mentioned above, is that none of the responses to our outreach documented any over-stepping of County policies by EPD. Such instances may exist, but we haven't heard of them yet.

The County's environmental regulations, embodied in the Comprehensive Plan and in the Land Development Regulations, are more restrictive in several ways (e.g. protection of upland areas, lower density allowances, tougher wetland buffer standards, protection of strategic ecosystems) than requirements established by municipalities in the County. In some instances, municipalities are changing some of their regulations to mimic the County's provisions. The City of Gainesville, for instance, is currently considering adopting strategic ecosystem and upland habitat protection standards similar to the County's standards, and other municipalities may follow the County's lead on springs protection and other issues.

The role of regulations in the development of the eastern portion of the County can be a politically contentious issue. Plum Creek is the largest private landowner in the County (and in the Nation) and the company had serious concerns about how the more stringent environmental regulations adopted by the Commission over the past decade might impede its ability to develop portions of its County holdings, which exceed 60,000 acres. Currently, however, the relationship between Plum Creek and EPD seems to be cordial, and Plum Creek, following its *Envision Alachua* exercise, has indicated that it will likely seek a permit within the next 18 months that would allow development of a portion of its holdings in eastern Alachua County. EPAC has heard concerns that in the past, regulatory language was brought before the Commission without adequate public notice and vetting. But there is no evidence that this is currently occurring, if it ever did.

Several respondents had complaints about the County's conservation lands, ranging from the tax implications of conserved land to the delay in opening some lands to the public. EPAC examined these complaints and found their thrust, without exception, to be directed at Commission policies rather than EPD implementation. Plans to allow commercial utilization of these lands, through silviculture, grazing, or hunting, have been presented in detail to the Commission and are subject to the Commission's approval. And while some may question the pace of EPD's schedule for opening conservation lands to the public, EPAC found that EPD is maintaining a prudent balance between its tight budget for managing conservation lands and its desire to open these lands as quickly as possible.

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<sup>6</sup> See <http://elections.alachua.fl.us/index.php?id=26&spanish=N> to access these websites.

**(4) Should EPD’s roles be changing given diminished budgets in other agencies (e.g. water management districts)?**

Respondents Views: Most respondents were well aware of the current and impending cuts in the budgets and staffing levels of agencies with whom EPD regularly works in a collaborative fashion. These agencies include the WMDs, the FL-DEP, and the State’s land conservation programs. In nearly every case, respondents believed that these agency cuts should reinforce EPD’s commitment to protecting the County’s resources and should motivate EPD to seek other, creative methods and sources of funding to get the job done. Officials at FL-DEP noted that the State legislature is continuing to de-centralize environmental functions, which makes the work of County departments like EPD more critical. Others noted that with the demise of State funding for land conservation purchases and management, EPD will need to turn to a more active volunteer program to achieve some of its goals. A water district manager argued that EPD’s role should become more important, “not only due to diminishing district budgets, but also due to the diminishing district’s regulatory jurisdiction”. A current County Commissioner stated that “if a current service is critical for the environmental health of Alachua County, we need to make sure that service is still provided even if a partner agency decides to no longer provide it. If it was something that we never would have started without a partner, then we may have to let it go.”

“This Department should be disbanded. State and Federal regulations could be overseen by Code Enforcement and Growth Management”.

“The Commission must assure that EPD has the resources necessary to protect Alachua County’s special assets and interests, given the cutbacks in State resources”.

“With the virtual loss of the WMD’s, EPD is more important than ever. I see a continuing degradation of the environment in Alachua County and EPD is the only local governmental group who can help stem that tide.”

EPAC’s Views: Over the past decade, EPD’s ability to leverage its core budget with funding from other sources has diminished. While at one point there may have been close to a 50:50 match of County versus State/Federal resources, that ratio is now about 3:1. So EPD is still able to leverage \$3 of county funding with an additional dollar from other sources, but maintaining that ratio is likely to become more difficult as State budgets in particular become more constrained.

There are many examples of how the diminution of State and Federal funding sources may force the County to re-examine its role:

- The State has not funded the Florida Forever Program since 2009;
- FL-DEP funding has decreased over the past several years for the Petroleum Cleanup and Storage Tank Compliance Program;
- Reductions in FL-DEP and WMD budgets will make coordinated review of development projects and enforcement of surface water and wetland violations more difficult;
- State funding for coordination of the Santa Fe River Springs Working Group was eliminated;

- St. Johns River WMD eliminated funding for the Watershed Action Volunteers Program; and
- The ability of the State’s Department of Community Affairs to evaluate land use activities has been curtailed, leaving local governments to defend their comprehensive plans and regulations on their own.

Given the unlikelihood of increasing support for EPD from the County budget, these changes will make it more difficult in the future for EPD to maintain its current level of service. So to maintain excellence, EPD will have to find more volunteer help, be more creative in finding alternative funding sources, or selectively prune or slow down some of its programs. We did not find any programs that are so poorly conceived or executed that they would be obvious candidates for wholesale cutting.

Any cuts bring attendant programmatic impacts. Cutting Natural Resources staff would seem to be a poor idea given that development review is likely to require additional resources as the economy rebounds. Cutting funding for land conservation, while saving money, would delay public access as well as restoration of these lands to their desired future ecological condition. Cutting pollution prevention programs introduces the risk of greater expense down the road from problems not dealt with proactively. Cutting monitoring of the chemical and physical conditions of County waters could leave gaps in data coverage that would impede later analysis of trends. Should the Commission confront these decisions in the future, EPAC has no firm recommendation except that the Commission should carefully consider the inevitable negative impacts of any proposed cuts.

**(5) What should EPD’s future priorities be?**

Respondents Views: The views on this question were nearly unanimous: EPD’s future priorities should be water quality protection and water conservation. Several respondents urged local government to participate more actively in regional water decisions that affect Alachua County. However, details on strategies for gaining this stronger voice were by and large missing. Some urged that the County work actively with the multi-County FLOW (Florida Leaders Organized for Water) group, although it is not clear at this point where FLOW will focus its efforts. Other suggested that EPD and the County Board become more involved in assessing and possibly challenging Consumptive Use Permits under consideration by our two local WMDs. But no one argued that the County should incur large expenses to cover whatever legal and scientific costs would be associated with these challenges.

“We must focus our environmental efforts on protecting and being the best stewards of our water and our sensitive lands”.

“EPD should take a position on water consumption and protection and should present its recommendations to the Commission to do likewise”.

“Develop an Ecotourism Incubator, showcasing people making a living off the land and doing resource management well”.

“I would like to see the expansion of [environmental] services to all small communities”.

There were multiple comments about EPD relying more on the private sector to achieve its goals. The small-government version of this point of view is that EPD should cede much of its

programmatic and regulatory authority to the private sector. The more activist-government view is that “win-win” partnerships should be sought with the private sector in managing public lands – for example by contracting with a contractor to remove invasive or trash trees that the contractor can sell to a mill or for mulch.

EPAC’s Views: Water! Water! Water!

Former State Senator Lee Constantine (R-Altamonte Springs) recently said, “They (lawmakers) forgot that people don’t come to Florida because we have the best strip malls. People come to Florida for the idea of Florida, for what we take for granted. Our beaches and rivers and open fields and even our orange groves. They think that if they make it easy for developers, all our problems will go away. The idea of Florida, what we love about Florida the most is not our malls.”

Much of the reason people want to live in Alachua County – indeed the “idea of Alachua County” – is also embodied in what we take for granted. And a big part of that is our natural heritage – our tree canopies, our open prairies, and most importantly our unique rivers and springs.

There is no reason to think that the current crisis in water quality and water quantity is temporary. Nitrate pollution in some of our springs exceeds the recommended standard by a factor of five or more; recovery to acceptable levels will be slow. And long-term data suggest that the decline in our aquifer levels, with the resulting draw-down on our lakes, rivers, and springs, is due at least as much to over-pumping as it is to variations in rainfall<sup>7</sup>.

EPAC believes that EPD should increase its attention on water conservation and water quality issues. The department has moved in that direction over the past few years, but the trend should be accelerated. Whether the County should become more assertive in protecting its water resources – through challenging regulatory decisions made by State agencies like FL-DEP and the WMDs – should be a matter for serious, strategic discussion by the County Commission.

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<sup>7</sup> See the Santa Fe River Springs Restoration Action Plan at <http://floridaspringsinstitute.org/pages/santa-fe-springs-restoration-action-plan>



## Conclusions

### Local Environmental Ethic

Most of the respondents in this study gave high marks to EPD. We suspect that this is because residents of Alachua County value the unique environment of North Central Florida as an important component of their quality of life and see EPD as the first line of defense in protecting that environment. Two opinion polls demonstrate this local environmental ethic:

- A November 14, 2011 *Gainesville Sun* poll asked readers to cast their vote for “Florida’s Greatest Natural Wonder”. Our local wonder (“springs and rivers”) was the first choice, easily out-distancing “beaches” and “the Everglades” along with “the Keys”, “coral reefs”, “caves”, and “national forests”; and
- “Community Conversations” are annual discussions aimed at determining how local citizens would deal with the realities of the County budget. In the most recent exercise (2011), the budget area which citizens felt should receive the smallest reduction in percentage terms was Environmental Stewardship<sup>8</sup>. Larger cuts were proposed in Mandatory Services, Managed Growth and Development, Economic Development, Health and Human Services, and Public Safety.

Granted, these surveys were not conducted under a rigorous statistical design but they do give an indication of the importance to our citizens of protecting local environmental resources.

### Recurring Comments

Respondents’ and EPAC’s views on our five basic questions were summarized in the previous section. Were there common themes or complaints that cut across these five areas? In general, the answer is no, but there were a number of issues on which respondents suggested changes in EPD’s approach. We heard that EPD should be more aggressive in contracting out functions to the private sector. We heard that the fate of some of regulations overseen by EPD was pre-determined without adequate public input. We heard complaints about the pace of opening conservation lands to public access. But as discussed above under question #3, complaints about EPD are in most cases surrogates for problems that respondents had with policies established by the County Commission, through the Comprehensive Plan and the land development regulations.

In many cases, these criticisms arise from the fact that land development regulations in Alachua County are stricter in some ways than regulations in the City of Gainesville, in other municipalities in the County, and quite often in nearby counties. The following table summarizes some of these provisions that are unique to Alachua County:

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<sup>8</sup> See <http://alachuacounty.us/depts/omb/pages/altfutures.aspx>

## Requirements Mandated by Alachua County LDRs

As part of development review, EPD's Natural Resources Section reviews the following resources:

- Surface waters/Wetlands & buffers
- 100-yr floodplain
- listed species habitat
- strategic ecosystems
- significant geologic features
- significant habitat
- archaeological resources (first contact)
- Special Area Study identified resources
- larger surface waters & wetland buffers
- stronger wetlands avoidance policy

Areas where County land development reviews exceed reviews mandated by State or Federal regulations:

- 100-yr floodplain
- listed species habitat
- strategic ecosystems
- significant geologic features; significant habitat
- Special Area Study identified resources

Areas where County land development reviews exceed reviews mandated by most County municipalities:

- strategic ecosystems
- density allowances
- upland protections
- wetland buffers

In other areas, EPD may also undertake activities that go beyond State or Federal requirements, including:

- hazardous waste collection
- land conservation practices
- monitoring of water bodies

### EPAC's Advice for EPD and for the Commission

In more flush budgetary periods, EPAC would recommend that the EPD budget be put on a moderate growth path. We say this for several reasons. First, development in the County should increase as the economy rebounds, increasing demands for project review. Second, the County is now tasked with managing and improving over 10,000 acres of conservation lands, opening many of these acres to the public for the first time, and implementing management plans for silviculture, hunting, and grazing. Thirdly, ongoing problems with the quantity and quality of our water resources demand a more proactive approach by EPD. Finally, EPD is more and more

on its own in protecting the County's environment, as funding and authority are increasingly withdrawn by the FL-DEP, the Florida Department of Community Affairs, and the WMDs.

If, however, the Commission decides not to increase EPD's resources, we would caution against deep cuts. There are no low-hanging fruit in this budget. EPAC found that EPD's programs are tightly targeted and well evaluated, which means that budget cuts would produce fairly predictable results, as spelled out above in the final paragraph under Question #4. The Commission can move in this direction if it chooses, but it should be aware if it does, these program cuts would have real, potentially negative consequences.

EPAC's advice to EPD is to be as entrepreneurial and creative as possible in seeking funding and partnerships that will enable the Department to maintain and hopefully increase its level of service. Opportunities for public-private partnerships, for example with Plum Creek, should be fully explored. Options for contracting services to the private sector should be re-examined carefully for possible cost savings. The Department should be alert for new potential sources of State, Federal, and foundation funding.

The Department could also improve its performance by being more proactive in two other areas. First, EPD should put environmental issues and problems on the County agenda more often and more promptly. We found, for example, that the Department seemed reluctant to push the current water crisis onto the Commission's agenda until citizens put it there. Secondly, EPD should continually examine its development regulations to insure that they are working as intended. In the past, as noted earlier, some regulations have been rescinded because their implementation was problematic or unhelpful. EPD is on the front lines of regulation and should evaluate these regulations on a continuing basis.

#### A Final Word on the Nature of the Responses and Respondents

When EPAC agreed to undertake this review, we fully expected to hear complimentary comments from those who utilize or appreciate the services that EPD provides. But we also expected to hear suggestions and complaints from the broader community that would point us toward ways in which EPD is arguably under-performing or toward ways in which EPD's budget and range of activities could be effectively trimmed in the face of tightening budgets. In fact, while we did hear some complaints about EPD, they were generally so poorly documented that they did not constitute a basis for sound policy-making or for budget evaluation.

This lack of rigor from the EPD detractors was troubling but what was more troubling was the fact that much of the political and business communities chose not to respond to our questions. The value of an exercise like this review lies in its ability to engage as broad a swath of community interests as possible. We suspect that those who chose not to participate felt that they could promote their interests best by keeping their views private and working the system behind the scenes. That may be true, but in our view it's not the best way to promote democracy or community buy-in.

## Appendix – Background Documents and Meetings Related to the Review

EPAC’s review of EPD began in January, 2012 at its regular monthly meeting and continued at each subsequent monthly meeting through July 2012. Program briefings were conducted on each of EPD’s major programs on the following schedule:

January 3, 2012	EPD Budget and Program Overview Chris Bird, EPD Director
February, 7, 2012	Land Conservation – Ramesh Buch
March 6, 2012	Natural Resources – Steve Hofstetter Pollution Prevention – John Mousa Hazardous Materials/Hazardous Waste – Gus Olmos
April 4, 2012	Water Resources – Gus Olmos

It was EPAC’s intention that this review be conducted as openly as possible, so we posted all relevant information relating to the study on the County’s website at:  
<http://www.alachuacounty.us/Depts/EPD/Pages/epac.aspx>. This site contains:

- EPD budgetary information
- Power-point presentations of EPD’s program briefings
- Pre- and post-briefing questions from EPAC, with answers from EPD
- Email responses from participants in the survey
- Notes from phone interviews of survey participants
- Other relevant background information.