ENVIRONMENTAL PERMITTING AND ENFORCEMENT UPDATE

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Pollution is both legal and necessary

The issues are:

- where?
- when?
- how?
- how much?
In Florida, when, where and how pollution is allowed is governed primarily by 2 state agencies:

- Florida Department of Environmental Protection
- Water Management Districts

Local pollution control programs shoulder much of the regulatory burden
FDEP and WMDs protect the environment through 2 regulatory vehicles:

- Permitting
- Enforcement
Every environmental problem contains 2 separate issues:

1. The pollution issue
2. The regulatory issue

These issues are not necessarily related.
Stating the Obvious #1

Regulatory agencies and the regulated community think differently

- and approach problem-solving from different perspectives
Stating the Obvious #2

Regulatory approach and business approach are quite different

- Regulated community thinks in terms of the end point
- Regulatory agencies think primarily in terms of the process
Regulators and regulated community have different views of risk

• Every potential pollution problem involves the evaluation of risk to the environment
2 Elements of Risk Evaluation

- Likelihood that something will go wrong
- Severity of the consequences if it does
Regulators focus more on 1\textsuperscript{st} element of risk evaluation

- Will a problem arise?

Regulated community emphasizes the 2\textsuperscript{nd} element of risk evaluation

- How bad will the problem be?
Regulatory Spectrum of Trust

“mild suspicion” \rightarrow “outright hostility”

“cautious cooperation” is the norm
Miscellaneous Issues in Dealing with Regulatory Agencies

1. Find the right people to work with
2. Get conceptual approval before agreement on details
3. Final closure of the process