

ENVIRONMENTAL PERMITTING AND ENFORCEMENT UPDATE

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LLW

LEWIS
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WALKER

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**

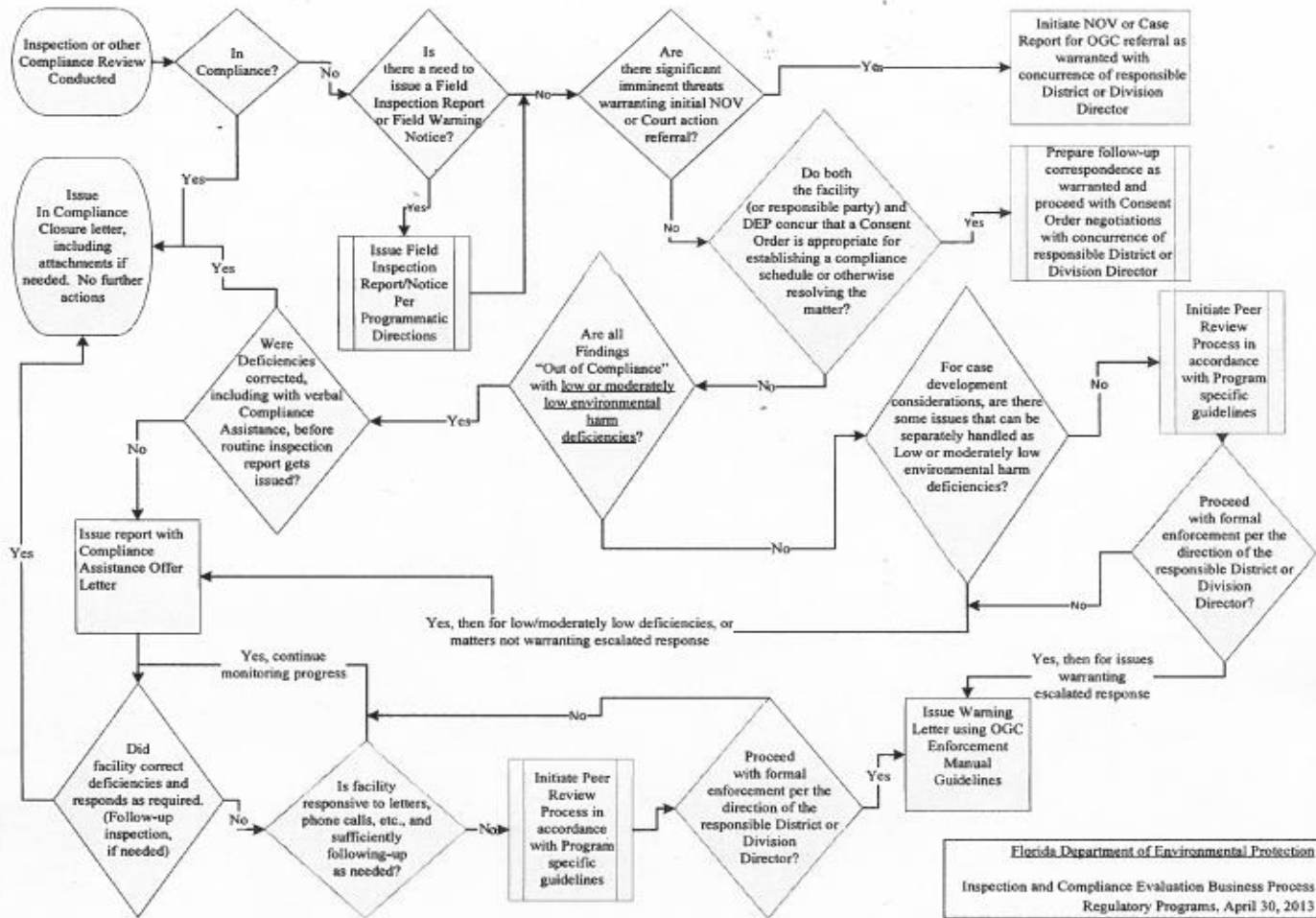


Stating the Obvious #2

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**





Stating the Obvious #3

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**



Risk Evaluation (continued)

Regulators focus more on 1st element of risk evaluation

- **Will a problem arise?**

Regulated community emphasizes the 2nd element of risk evaluation

- **How bad will the problem be?**



Regulatory Spectrum of Trust

“mild suspicion” → “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**

