

Planning & Zoning Commission
Public Workshop on Compliance
and Enforcement for Mining
Operations

August 13, 2008

Mining Workshops

1. Groundwater and surface water/discharge impacts (held April 9, 2008)
2. Traffic and nuisance (held May 22, 2008)
3. Compatibility and notice (held July 14, 2008)
4. **Compliance and enforcement**

“Compliance” – correct violation

“Enforcement” – penalize violator/operator

Compliance & Enforcement “Network”

- State
- SJRWMD: stormwater, surface water, and groundwater
 - FDEP: wetlands, pollution prevention and discharge

Compliance & Enforcement “Network” (cont’d)

- Local
- Sheriff’s Office: traffic violations
 - Public Works: roads, traffic, stormwater, pollution control
 - Code Enforcement/Planning: local mining, development, environmental regulations
 - Water Control Districts

- Some jurisdictional overlap
- Coordination essential for effective enforcement
- Local staff “eyes and ears” for agencies

Existing Process Controls

1. Site Plan/Administrative Permit Review & Approval
 - LDR compliance (locational, submittal, procedural requirements)
 - Special compliance conditions

Existing Process Controls (cont'd)

2. Initial Mining Permit Issuance

- Jurisdictional permits submitted
- Unpaved road, compliance, and restoration bonds posted (usually letters of credit or cash)

Existing Process Controls (cont'd)

3. Annual Mining Permit Renewal

- Annual code enforcement compliance inspection
- Permits and bonds verified valid

Existing Process Controls (cont'd)

4. Restoration and Close-out

- Final inspection
- Return of all bonds

On-going Code Enforcement

- Investigate complaints & field observations
 - Coordinate with various departments & agencies
 - Determine if any violations exist/occurred

On-going Code Enforcement (cont'd)

- Informal/initial enforcement
 - Coordinate with mining operator
 - Timely resolution of violations
 - Successes and challenges (e.g. shared haul route, resolution/violation cycle)

On-going Code Enforcement (cont'd)

- “Formal” enforcement
 - Document and cite violations
 - Present to BCC to pull bonds
 - Bond forfeitures infrequent, effective

On-going Traffic Enforcement

- Sheriff's Office traffic enforcement division
- Cite drivers: visually identified individual
- Special enforcement as needed, as resources allow
- Contract deputies and other special enforcement alternatives available

Potential Changes to Compliance/Enforcement Policies & Regulations

1. Each year, have code enforcement and public works staff conduct a dry season (March, April, May) and wet season (August, September, October) unannounced compliance inspection
 - Inspect for site plan, permit, and pollution prevention plan compliance
 - A. Increase annual mining permit fees to cover staff time costs of inspections with additional fees for re-inspections. Increase: from \$62.00 to \$240.00 with \$120.00 additional fee for re-inspection

Potential Changes to Compliance/Enforcement Policies & Regulations (cont'd)

2. Modify security and forfeiture requirements:

- Clarify process for forfeiture, authorizing BCC to pull bonds
- Set forfeiture/penalty guidelines based on nature and frequency of violations
- Specify “stop work” period based on time of forfeiture decision and posting of replacement security
- Specify acceptable form of security (cash, letters of credit), and number of separate security instruments
 - Specifically allow “cash swap” in lieu of pulling bond

Potential Changes to Compliance/Enforcement Policies & Regulations (cont'd)

3. Establish special traffic law enforcement criteria for alternative/enhanced enforcement
 - Applicability: up-front condition, added condition if violations occur
 - Contract deputies: frequency and scheduling triggers
 - Use of GPS: access to and management of data, use of data for haul route violations and targeting traffic enforcement
 - Funded by applicants

NEXT: Sgt. Jim Stewart