

**Tampa Bay Nitrogen Management Consortium  
Meeting Summary  
September 11, 2009  
Prepared by E. Sherwood, TBEP**

Meeting Called to Order at 9:08am

**Agenda Item 1:**

Mr. Rob Brown, Tampa Bay Nitrogen Management Consortium (NMC) Co-Chair, welcomed Consortium members and asked for meeting participants to introduce themselves.

**Agenda Item 2:**

Ms. Holly Greening, Tampa Bay Estuary Program (TBEP), then reviewed the final clarifications to the Draft Final 2009 Reasonable Assurance (RA) Addendum: Allocation & Assessment Report, as provided to the NMC participants in an email on September 8, 2009. Consortium participants were asked if there were any questions about the clarifications or if there were any additional clarifications to be made to the document prior to voting for approval. –No additional clarifications were made to the document.

**Agenda Item 3:**

Mr. Brown asked if there was any discussion or comments prior to voting on the recommended Consortium final action.

Ms. Jan McLean, representing City of Tampa, expressed the City's support for the process undertaken by the NMC to prepare the RA Addendum for submittal to FDEP. She indicated that the final vote for a particular entity does not necessarily reflect an overall opinion of this successful process.

Mr. Craig Kovach, representing CF Industries, also expressed support of the Consortium's process and indicated that an entity's vote to approve the RA addendum document does not represent endorsement for the actions and process undertaken by FDEP once the document is submitted to them.

Ms. Felicia Burks, EPA Region IV, expressed EPA's support for the Consortium's process to prepare the RA Addendum for submittal to FDEP. She indicated that EPA will consider the very successful and inclusive process undertaken by the Consortium to develop the allocations when EPA formally reviews the document and actions taken by FDEP for Tampa Bay.

With no other comments, Mr. Brown asked if there was a motion to vote on the following action:

***Final Consortium Action:***

*As a Consortium participant, I approve the following actions:*

1. *Submittal of the Final 2009 Tampa Bay Reasonable Assurance Addendum, dated September 11, 2009, to the Florida Department of Environmental Protection to allow the Department to review the document; and*
2. *Agreement to forward the 2009 Declaration of the Tampa Bay Nitrogen Management Consortium and the 2009 Tampa Bay Reasonable Assurance Addendum dated September 11, 2009, to my entity's appropriate authority, for their consideration and for signature prior to January 1, 2010.*
  - Mr. Bruce DeGrove, representing Mosaic, made the motion.
  - Mr. Andy Squires, Pinellas County Department of Environmental Management, seconded the motion.

Mr. Brown, representing Manatee County, turned the final roll call vote over to Ms. Greening, TBEP. Ms. Greening asked each entity for the final vote on the Final Consortium Action, as specified above. Results are indicated below in Table 1.

**Table 1:** Entities participating in the Tampa Bay Nitrogen Management Consortium. For voting results, “—” indicates that an entity was not represented at the Sept. 11, 2009 NMC meeting or did not have individual voting rights.

Entity/Partner	Affiliation	Participation Status	Providing Funding or In-Kind Support	Allocation Developed in 2009 RA Addendum	Individual Voting Rights	Sept. 11, 2009 Recorded Vote
Agricultural Economic Development Council, Hillsborough County	Public	Signed Declaration of Cooperation	Through Hillsborough County		No	—
Alafia Preserve (Mulberry), LLC	Private	Meeting Participant	Jointly through Eagle Ridge, LLC & LDC Donaldson Knoll Investments, LLC	√	Yes	Yes
CF Industries	Private	Signed Declaration of Cooperation	Yes	√	Yes	Yes <sup>1</sup>
City of Bradenton	Public	Signed Declaration of Cooperation	Yes	√	Yes	—
City of Clearwater	Public	Signed Declaration of Cooperation	Yes	√	Yes	Yes
City of Gulfport	Public	Signed Declaration of Cooperation	Yes	√	Yes	—
City of Lakeland	Public	Approved by City Manager	Yes	√	Yes	Abstained <sup>2</sup>
City of Largo	Public	Signed Declaration of Cooperation	Yes	√	Yes	Yes
City of Mulberry	Public	Approved by City Manager	Jointly through Alafia Preserve, LLC, Eagle Ridge, LLC & LDC Donaldson Knoll Investments, LLC	√	Yes	Yes
City of Oldsmar	Public	Signed Declaration of Cooperation	Yes	√	Yes	Yes
City of Palmetto	Public	Approved by City Council	Yes	√	Yes	Yes
City of Plant City	Public	Approved by City Manager	Yes	√	Yes	Yes

**Table 1 (Cont'd):** September 11, 2009 Voting Results.

Entity/Partner	Affiliation	Participation Status	Providing Funding or In-Kind Support	Allocation Developed in 2009 RA Addendum	Individual Voting Rights	Sept. 11, 2009 Recorded Vote
City of St. Petersburg	Public	Signed Declaration of Cooperation	Yes	√	Yes	Yes
City of Tampa	Public	Signed Declaration of Cooperation	Yes	√	Yes	Yes3
CSX Transportation	Private	Signed Declaration of Cooperation	Yes	√	Yes	Yes
Eagle Ridge (Mulberry), LLC	Private	Meeting Participant	Jointly through Alafia Preserve, LLC & LDC Donaldson Knoll Investments, LLC	√	Yes	Yes
Eastern Associated Terminals Company, LLC	Private	Signed Declaration of Cooperation	Yes	√	Yes	Yes
Environmental Protection Commission of Hillsborough County	Public	Signed Declaration of Cooperation	Yes		Yes	Yes
Florida Department of Agriculture & Consumer Services	Public	Signed Declaration of Cooperation	In-Kind Support	√	Yes	Yes
Florida Department of Environmental Protection	Public	Approved 2007 RA Submittal	Yes		Yes	Abstained
Florida Department of Transportation	Public	Approved by District	Yes	MS4 Co-permittee	Yes	Yes
Florida Fish & Wildlife Conservation Commission	Public	Signed Declaration of Cooperation	In-Kind Support		Yes	—
Hillsborough County	Public	Signed Declaration of Cooperation	Yes	√	Yes	Yes
Kinder Morgan Bulk Terminals, Inc.	Private	Signed Declaration of Cooperation	Yes	√	Yes	Yes
LDC Donaldson Knoll Investments, LLC	Private	Meeting Participant	Jointly through Alafia Preserve, LLC & Eagle Ridge, LLC	√	Yes	Yes
MacDill Air Force Base	Public	Approved by Base Authority	Yes	√	Yes	Yes
Manatee County	Public	Approved by BOCC	Yes	√	Yes	Yes
Mosaic Company	Private	Signed Declaration of Cooperation	Yes	√	Yes	Yes
Pinellas County	Public	Approved by BOCC	Yes	√	Yes	Yes
Polk County	Public	Approved by County Administrator	Yes	√	Yes	Yes
Southwest Florida Water Management District	Public	Signed Declaration of Cooperation	Yes		Yes	Yes
Tampa Bay Estuary Program	Public	Signed Declaration of Cooperation	Yes		No (facilitator)	—
Tampa Bay Regional Planning Council	Public	Signed Declaration of Cooperation	Yes		Yes	—
Tampa Bay Water	Public	Signed Declaration of Cooperation	Yes	√	Yes	Yes
Tampa Electric Company	Private	Signed Declaration of Cooperation	Yes	√	Yes	Yes
Tampa Port Authority	Public	Signed Declaration of Cooperation	Yes		Yes	—
Trademark Nitrogen	Private	Signed Declaration of Cooperation	Yes	√	Yes	—

**Table 1 (Cont'd):** September 11, 2009 Voting Results.

Entity/Partner	Affiliation	Participation Status	Providing Funding or In-Kind Support	Allocation Developed in 2009 RA Addendum	Individual Voting Rights	Sept. 11, 2009 Recorded Vote
Tropicana Products, Inc.	Private	Approved by Tropicana Products, Inc.	Yes	√	Yes	Yes
United States Environmental Protection Agency	Public	Signed Declaration of Cooperation	Yes		Yes	Abstained
University of Florida Institute of Food and Agricultural Sciences	Public	Advisor to FDACs	In-Kind Support		No	—
Yara North America	Private	Approved by Yara North America	Yes	√	Yes	Yes
City of Pinellas Park	Public	Meeting Participant	No	√	Yes	—
City of Safety Harbor	Public	Meeting Participant	No	√	Yes	Yes
City of Temple Terrace	Public	Meeting Participant	No	√	Yes	—
Kerry I&F Contracting	Private	Meeting Participant	Yes	√	Yes	Yes
Pasco County	Public	Meeting Participant	No	√	Yes	Yes
Tampa-Hillsborough Expressway Authority	Public	Meeting Participant	No		No	—
City of Zephyrhills	Public	Invited to participate	No	√	Yes	—
Agrifos	Private		No	√	Yes	—
Alpha/Owens Corning	Private		No	√	Yes	—
Bloomington CDD	Public		No	√	Yes	—
Brewster Phosphogypsum	Private		No	√	Yes	—
Cheval West CDD	Public		No	√	Yes	—
City of San Antonio	Public		No	√	Yes	—
City of St. Leo	Public		No	√	Yes	—
City of St. Pete Beach	Public		No	√	Yes	—
City of Tarpon Springs	Public		No	√	Yes	—
Coronet Industries	Private		No	√	Yes	—
Estech Agicola	Private		No	√	Yes	—
Exxon/Mobil	Private		No	√	Yes	—
Greyhawk Landing CDD	Public		No	√	Yes	—
Harbor Bay CDD	Public		No	√	Yes	—
Harbourage at Braden River CDD	Public		No	√	Yes	—
Heritage Harbour CDD (Bradenton)	Public		No	√	Yes	—
Heritage Harbor CDD (Lutz)	Public		No	√	Yes	—
Heritage Harbour Marketplace CDD	Public		No	√	Yes	—
Lake St. Charles CDD	Public		No	√	Yes	—
Lakewood Ranch CDD	Public		No	√	Yes	—
Lexington CDD	Public		No	√	Yes	—
Live Oak I CDD	Public		No	√	Yes	—
Live Oak II CDD	Public		No	√	Yes	—
Magnolia Park CDD	Public		No	√	Yes	—
On Top of the World	Private		No	√	Yes	—
Palm Bay CDD	Public		No	√	Yes	—
Palm River CDD	Public		No	√	Yes	—
Panther Trace CDD	Public		No	√	Yes	—

**Table 1 (Cont'd):** September 11, 2009 Voting Results.

Entity/Partner	Affiliation	Participation Status	Providing Funding or In-Kind Support	Allocation Developed in 2009 RA Addendum	Individual Voting Rights	Sept. 11, 2009 Recorded Vote
Panther Trace II CDD	Public		No	√	Yes	—
Park Place CDD	Public		No	√	Yes	—
Pebble Creek Utilities	Private		No	√	Yes	—
Rivercrest CDD	Public		No	√	Yes	—
Sarasota County	Public		No	√	Yes	—
Spring Lake CDD	Public		No	√	Yes	—
Stone Crest CDD	Public		No	√	Yes	—
Stone Dairy Creek CDD	Public		No	√	Yes	—
Stonebriar CDD	Public		No	√	Yes	—
Stonelake Ranch CDD	Public		No	√	Yes	—
Tara CDD	Public		No	√	Yes	—
University Place CDD	Public		No	√	Yes	—
Waterlefe CDD	Public		No	√	Yes	—
Westchase CDD	Public		No	√	Yes	—
Westchase East CDD	Public		No	√	Yes	—

<sup>1</sup>CF Industries vote for approval of the document does not represent endorsement of the regulatory process and actions that will be subsequently pursued by FDEP.

<sup>2</sup>City of Lakeland abstained from voting due to non-consensus among City Department staff on approval of the document.

<sup>3</sup>City of Tampa voted to approve the submittal of the document to FDEP, but objected to the allocations attributed to the City that are contained in the document.

The final tally from the September 11, 2009 vote on the Final Consortium Action of NMC participants present was:

- Vote to Approve: 31 entities
- Vote not to Approve: 0 entities
- Abstain from Vote: 3 entities

**Agenda Item 4:**

Consortium participants engaged in a discussion regarding funding support for the basic role of the Consortium to prepare and submit the next Reasonable Assurance update to FDEP for the 2008-2012 implementation period. Various funding options were discussed, but consensus among the group was for the third option presented in the agenda item with some additional clarifications (red text below), as follows:

*All entities with RA 5-year annual averaged allocations less than [one ton TN per year]<sup>1</sup> would be requested to contribute a one-time nominal amount (\$500), and all other sources would be requested to contribute a one-time recommended amount of \$6000<sup>2</sup>. The per-entity contribution will be reduced accordingly if more than 24 members contribute. Consortium contributions would be due by summer 2011, to allow time for development of the technical basis required. As for the other options, all entities with allocations will be invited to attend and encouraged to participate in all Consortium meetings and deliberations. [However, voting will be limited to those entities contributing to funding support.]<sup>3</sup>*

<sup>1</sup>Additional analysis was recommended by Consortium participants to ensure that this would be an appropriate break point.

<sup>2</sup>The one-time recommended amount of \$6,000 was to be used by those entities who needed to include this funding support in their budgets for next year.

<sup>3</sup>Consortium participants did not reach consensus on whether voting should be limited to those entities contributing funds to the Consortium. However, all Consortium participants at the meeting agreed that an entity's future participation in the Consortium should not be contingent upon their funding support.

**Consortium Next Steps:**

*Assimilative Capacity Evaluation:* An initial meeting to discuss this evaluation is scheduled for October 1, 2009 from 9am-12pm at the Tampa Bay Regional Planning Council. The initial evaluation is anticipated to be conducted by January 2010, and by that time it is anticipated that the level of effort and funding required to determine the assimilative capacity for Tampa Bay will be better known. A second meeting in late November or early December is anticipated to discuss the initial evaluation.

*Reasonable Assurance Overview Presentation:* Ms. Greening informed Consortium participants that an overview presentation is available for Consortium members to use at their boards that describes the RA process. She informed participants that TBEP staff would be available to give this overview presentation to their approving authorities, if an entity requested.

*Additional Implementation Plan Elements & Timelines:*

*Monitoring for RA Assessment:* It was suggested that a smaller monitoring working group be formed and that recommendations be developed by this group to bring back to the Consortium as early as the October meeting.

*Defining Credits & Transfers:* It was suggested that a smaller working group be formed and that recommendations be developed by this group to bring back to the Consortium by January 2010.

*Pursuit of Trading Legislation:* A subcommittee of those interested will be formed and coordinated by Jan McLean and Winston Borkowski. It is anticipated that the subcommittee can report at the Consortium's October meeting on necessary recommendations and actions that need to be pursued by the Consortium over the next year.