



**PALM BEACH COUNTY
WATER RESOURCES
TASK FORCE MEETING**



**Clayton Hutcheson Agricultural Center
559 N. Military Trail
West Palm Beach, FL 33415**

**October 16, 2014
1:30 P.M. to 4:00 P.M.**

I. CALL TO ORDER

A quorum was announced and Chair Jay Foy called the meeting to order at 1:40 p.m.

Members Present:

Jay Foy (Chair), MaryLou Berger, Rod Braun, John Flanigan, Dave Stewart, Jim Alderman, Adrian Salee, Jeff Hmara, Jim Shallman, Matt Willhite, Michael Mullaugh, Michael Dahlgren, Scott Kelly

Alternates Present:

Chip Block, David Levy, Brandon Selle

Members not Present:

Ted Winsberg

Alternates not Present:

Scott Maxwell, Dawn Pardo, John Whitworth, Dick Tomasello, Jason Haselkorn, Jonathan Pearce

WRTF Working Group Present:

Ken Todd (Chair), Pete Kwiatkowski, Rebecca Elliott, Pat Painter

County Staff Present:

Dana Ackerman-White, Chris Pettit

Guests Present:

Steve Lamb, Albert Carbon, Richard Radcliffe, Donald Rosen, Harold Aiken, Jim Noth, Ernie Cox, David Boyer, Raul Mercado, Don Mathis, Barbara Powell, Brent Whitfield, Lauren Van Cott, Alan Wertepny, Laura Corry, Bill Riebe, Alex Vazquez, Patrick Martin, Martha Musgrove, Karen Brandon

II. APPROVAL OF MEETING MINUTES

A motion was made by Adrian Salee and seconded by Michael Mullaugh to approve the 7-17-14 meeting minutes as presented. The motion passed unanimously.

III. FEMA Mapping Update

Ken Todd, Palm Beach County

Ken Todd, PBC Water Resource Manager, gave an update of what has taken place with the FEMA maps since the last update. Ken first reminded everyone why the maps were being revised. He then briefly gave a more recent history of the map adoption process. Since the last update to the Task Force FEMA has held four Open Houses where the maps were shown to the Public and residents could ask questions of FEMA concerning what the map designations meant to them. Additionally, the affected communities within the C-51 Basin, working in conjunction with SFWMD staff, provided more data in electronic format within the Basin that FEMA could use for remapping that area of the County.

Ken indicated that the next steps FEMA will be taking is to continue to work with the communities to address some anomalies within the LIDAR data and to publish notice of the maps in both the Federal Register and the local newspapers. Although it is not known when the publishing will be complete, Ken said that a ballpark date is mid December and the official 90 day appeal period commences with the final publishing. Ken reminded the WRTF members that all appeals must be addressed by FEMA before the maps can be considered final. Then, a Letter of Determination is issued and all communities have six months to revise their floodplain ordinances that adopt the maps.

Ken reminded the WRTF members that new rates for flood policies do not start until after the maps have been adopted and rate increases are limited to 18% per year starting with the current policy premium and continuing at 18% per year until the new premium has been reached. If someone waits to get a new policy when the new rates kick in they will immediately pay the new higher rate.

Questions:

Dave Stewart asked what happens to those older homes that were not within a flood zone per the old FEMA maps, but now find themselves in a new flood zone (such as a V-Zone) with the newer flood maps. Ken responded that they will pay a higher premium based on what FEMA determines is the risk for the home based on their finished floor elevation in relation to the new Base Flood Elevation (BFE).

Ken was asked by MaryLou Berger whether the new maps would show the homes in relation to the current flood zones along with the new proposed flood zones. Ken said the new maps will only show the new flood zones within the maps. The old flood zones will not be shown on the new maps. The GIS Department showed the two flood zones on the maps on the County's Web-site as a service to the Public so they would be able to better understand what was happening with their individual residence. MaryLou then asked whether or not the flood zones nomenclature would remain the same. Ken indicated that FEMA has designated all new flood zones on these maps and we will have to get accustomed to new the flood zone nomenclature. Ken also reminded all that the maps are done using NAVD 1988 and not NGVD 1929 for the vertical datum. This will be confusing because most all surveys done establishing finished floors were done using the NGVD 1929 datum. This has the potential to be very confusing because there is approximately a 1.5' difference in the two vertical datums.

Ken mentioned again that a new program will be discussed with the local communities in the near future. This program, when and if developed, will correct those areas that need better mapping and should keep the maps relatively up to date because local governments control when they are updated. The program does not currently exist and needs to be worked out with the local communities and FEMA.

IV. WOTUS

Chris Pettit, Palm Beach County

Chris gave a presentation on EPA's latest rule effort. EPA is revising the definition of Waters of the United States (WOTUS). Briefly, Chris discussed briefly the U.S. Supreme Court cases that led to this effort by EPA. Chris explained that EPA is attempting to provide clarity to what is a WOTUS. However, Chris explained that this effort to clarify has several possible impediments: (1) National rulemaking that does not take into account local conditions, (2) possible conflict between proposed rule and existing state programs, (3) third parties attempting to interpret EPA's "intent". Because of these issues, one solution is to provide exemptions and reaffirm previously delegated and authorized state programs.

What are some of the possible major changes to the rule? New definitions for tributaries and adjacent lands are two possible issues. Another issue will be how the courts interpret "significant nexus". Chris went on to say that the definition of WOTUS needs to cover exemptions for: (1) ditches - by addressing the groundwater interface for areas with a high water table, such as South Florida, (2) non-wetland swales that are utilized for treatment and conveyance, (3) Wastewater treatment systems, including treatment ponds and reuse facilities, (4) prior converted croplands.

Chris suggested a list of exclusions within the definition of WOTUS that all should consider when making comments on the proposed rule. Those exclusions are as follows: (1) water supply storage facilities, (2) Aquifer Storage and Recovery facilities, (3) stormwater management systems currently permitted under authorized state programs, (4) reclaimed water storage facilities, (5) man-made wetlands permitted as a waste treatment system.

Chris told the WRTF members that the comment period closes November 21, 2014 for the proposed WOTUS rule. If anyone wanted to provide comments they should go to the Federal e-rulemaking portal and follow the instructions for providing comment.

Questions:

Matt Willhite asked whether or not we need to worry about this rule? Chris responded by saying that "Pandora's Box" has already been opened because EPA's interpretation will be used to establish new systems. So, we all need to participate in the rule making process because it potentially does affect many systems within the County.

V. C-51 Reservoir Working Group Replacement

Due to the recent retirement of Bevin Beaudet and his resignation from the C-51 Reservoir Working Group, Jay Foy indicated that a replacement to the C-51 Reservoir Working Group needed to be named. In Bevin's resignation letter he recommended Chris Pettit, his alternate, be named as his replacement. Adrian Salee moved to name Chris as the PBC WRTF C-51 Reservoir Working Group member. It was seconded by MaryLou Berger and was approved unanimously. Jay then said an alternate for Chris needed to be named. Scott Kelly volunteered to be the alternate. Adrian Salee moved to name Scott as the PBC WRTF alternate to the C-51 Reservoir Working Group. Jim Shallman seconded the motion and it was approved unanimously.

VI. Public Comments

Don Rosen mentioned to the Task Force that SFWMD has available state funds to be used for projects with regional impact. He said that the SFWMD will be holding workshops next week to discuss the funding mechanism and project requirements. He encourages all entities to participate. Harold Aiken indicated he had met with SFWMD Executive Director, Blake Guillory, in which Mr. Guillory indicated the state will provide those funds based on a priority basis.

Raul Mercado indicated that the Florida Floodplain Manager's Association (FFMA) will be offering the examination for Certified Floodplain Manager (CFM) at the SFWMD Storch Room on November 21, 2014. Raul indicated that he would be the monitor for the exam and there were still several slots available for anyone interested in becoming a CFM.

VII. Task Force Member Comments

Rod Braun indicated that the funding discussed by Mr. Rosen was for both stormwater and water supply projects. Scott Kelly indicated that the C-51 Reservoir project is both a water supply project and a stormwater project with environmental benefits. Matt Willhite asked whether or not the potential move from the Treasure Coast Regional Planning Council to the South Florida Regional Planning Council by Palm Beach County would impact the C-51 Reservoir Project. The consensus was no.

VIII. Next Meeting Agenda - Jay Foy, PBC WRTF Chair

January 15, 2015 is the next scheduled meeting date at the Clayton Hutcheson Exhibit Hall. However, since there were no issues that needed to be discussed at this time the meeting is tentatively cancelled pending a couple of presentations being brought forward by December. If there are no presentations, then the meeting will be cancelled and the next regularly scheduled meeting is Thursday, April 16, 2015.

IX. Adjournment

There being no further business, Chair Foy adjourned the meeting at 2:50 p.m.