



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



**Town of Jupiter Community Center  
200 Military Trail, Jupiter, FL 33458**

**January 21, 2010  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair Jeff Koons called the meeting to order at 1:35 p.m. in the Town of Jupiter Community Center.

**Members Present:**

Jeff Koons (Chair), David Levy (Vice-Chair), Jay Foy, John Flanigan, Patrick Rooney, Todd Wodraska, O'Neal Bardin, Ted Winsberg (Alt. for Steve Bedner), Albrey Arrington (Alt. for Donald Noel), Dave Stewart (Alt. for Steve Wilson), Betty Bingham, Scott Maxwell (Alt. for Carmine Priore)

**Alternates Present:**

Michael Dahlgren, Dick Tomasello, Terrie Bates, Dan Beatty

**Members not Present:**

Carmine Priore, Donald Noel, Steve Bedner, Steve Wilson, Jim Alderman

**Alternates not Present:**

Shelley Vana, Susan Haynie, Cara Jennings, John Whitworth, Dennis Lipp

**WRTF Working Group Present:**

Ken Todd (Chair), Linda Brien, Kyle Grandusky, Mike Baker, Pete Kwiatkowski, John Bonde

**County Staff Present:**

Brian Shields and Tom Miller

**Guests Present:**

Ron Crone, Rosa Durando, Laura Corry, Alex Larson, Sharon Waite, Karen Brandon, Marie Ecton, Ken Roundtree, Terry Clark, Patrick Martin, Don Mathis, Christy Coghlan, Dr. Matthew Harwell, Melissa Meeker, Clete Saunier, David Scott, Alan Wertepny, Alejandro Toro, Tom Biggs, Alex Vazquez, Brent Whitfield, Jayantha Obeysekera, Matt Morrison, Amanda Barnes, Mark Abbott, Paul Millar, Albert Basulto, Becky Hachenburg, Max Bosso

Approximately 25 students from the Jupiter High School Environmental Academy

## **II. APPROVAL OF MEETING MINUTES:**

A motion was made by John Flanigan and seconded by David Levy to approve the 11-19-09 meeting minutes as presented. The motion passed unanimously.

Vice Chair Levy introduced the Environmental Geology Class and Teacher from the Jupiter High Environmental Academy. They were in attendance (as a field trip) learning how the community leaders addressed issues related to water resources. Commissioner Koons welcomed the group and mentioned how water knows no political boundary and because of that it makes jurisdictional issues related to water that much more difficult. However, efforts such as this Task Force help everyone work through those difficult jurisdictional issues.

## **III. Presentation - Inter-basin Transfer Pilot Study – Ken Todd, Working Group Chair**

Ken Todd stated that the main objective of a Pilot Study would be to study the ability to reduce discharges to tide by transferring water between basins. A written report was provided to the Task Force members prior to this meeting. He discussed concerns of the Working Group as outlined in a previous presentation to the Task Force. Ken also reminded the Task Force that the original recommendation to the Task Force from the Working Group was that the concept had merit and should be explored further. As a result of that recommendation, the Task Force asked for a recommended site(s). After several Working Group meetings where several sites were discussed and evaluated, the Working Group recommended that the Task Force endorse the Pilot Studies for three sites: (1) Town of Jupiter Recharge System, (2) Loxahatchee Groves WCD, (3) Pond Cypress Natural Area. Before the Task Force voted on the recommendation, a brief explanation of each of the three sites that are discussed in detail in the written report was made.

The first site was the Town of Jupiter Recharge System, presented by Amanda Barnes, P.E. of the Town of Jupiter. Ms. Barnes explained where the project is located and how the system would work. She indicated that the Town was looking for more water during dry periods to supplement well field recharge and provide more water for some wetlands within the Town. She indicated that the Town would work with SFWMD to take only water when it is available from the C-18 Canal after the Loxahatchee River has received its restoration goal water.

The second site presentation was made by Clete Saunier, P.E. of Loxahatchee Groves WCD. Clete thanked the Task Force members for the opportunity to explain the operation and merits of the Loxahatchee Groves Pilot Study. Clete explained that this proposal will save more than one billion gallons of water annually from going to tide via the C-51 Canal. He went on to say that there are limited costs associated with this project as the infrastructure was already in place. There would be an annual \$20K -\$30K O&M cost. He said LGWCD would coordinate closely with SFWMD to develop an appropriate protocol through the permitting process. He provided handouts of the project to the Task Force members and left some on the back table for the Public.

Ken Todd, P.E. explained the Pond Cypress Pilot Study, which is a cooperative effort between the City of West Palm Beach, NPBCID, & Palm Beach County. Ken described the project benefits, which would reduce the amount of water discharged to tide through existing bleed-down pipes from the Pond Cypress Natural Area. Ken explained that because of the limited ability to removing excess rainfall Pond Cypress Natural Area retains much of the rainfall it receives. Historically, at the end of the rainy season high water levels have had an adverse impact on the uplands within the Natural Area. Conversely, the Preserves within the Baywinds

Subdivision could use some additional water. The additional effort needed to be able to move water between these two areas is minimal. The City will do the necessary monitoring.

All three Projects will provide data documentation through monitoring to enable someone to decide if the effort was successful in achieving the objective. Ken recommended endorsement by the Task Force of all three projects, based on the Working Group recommendation.

Jay Foy asked where the excess water would come from for Jupiter Project. Ms. Barnes indicated that once the Loxahatchee River received its required minimum flow, the excess water could be sent to the Town's Recharge system. Ken Todd noted for the Task Force members that all projects are intended to only use excess water that would have been sent to tide. Aubrey Arrington asked if the Town was proposing additional flows from the L-8 rock pits. Ms. Barnes said it was anticipated that the project would simply operate the system differently from how it is being managed now. Terry Bates of the SFWMD related discussions District staff had had with Jupiter and how they hope a more real time operation can be achieved. It was noted that no specific elevations were established for withdrawals from the C-18 Canal, but an agreement would have to be worked on that could achieve instantaneous operational commitment.

Chair complimented the Working Group for their efforts.

Motion: To endorse all three projects.

Moved by: Levy

Seconded by: Wodraska

The motion passed unanimously with no Board discussion.

Rosa Durando said that while it is commendable to achieve greater storage, she asked that we be careful not to create flooding problems for those areas where this is done.

#### **IV. Presentation – EPA Nutrient Numeric Criteria – Alan Wertepny, NPDES Consultant**

Alan Wertepny, P.E. stated that Palm Beach County has a federal NPDES permit. This permit includes most of the Counties municipalities, as well as several Water Control Districts. He then defined NPDES for the students and discussed the need over time to do stormwater improvements. Todd Wodraska talked to students about issues involving water that would impact them both now and in the future. Alan then discussed briefly the 3-programs that are going on now: EPA's Nutrient Numeric Criteria Rule, DEP's TMDL program to implement restoration efforts for Florida water bodies, and the Florida Stormwater Treatment Rule for new or redevelopment activities.

Mr. Wertepny's goal at this meeting was to introduce the Task Force to the Nutrient Numeric Criteria issue. Alan informed the Task Force that currently there are only narrative criteria, dealing with an imbalance in flora and fauna, in the state law regarding nutrients in water bodies. Nutrients occur naturally and it is difficult to quantify toxicity levels. EPA is currently developing Nutrient Numeric standards for Florida in response to a law suit brought against EPA by several environmental groups to enforce the Clean Water Act of 1972. DEP has been working on standards for the last four years with the last revision in March 2009. However, due to the difficulty associated with such diverse geology, topography, land uses, and chemical make-up around the state DEP has stopped the effort at this time deferring to EPA. DEP did

come up with some preliminary numbers for central and northern Florida before stopping, but south Florida was not covered in these standards due to diversity of conditions.

Alan mentioned that EPA entered into a consent agreement with several Environmental Groups to postpone legal action. This Consent Decree required EPA to establish numeric criteria by Jan 14, 2010. Once EPA publishes these standards in the Federal Register, it starts the 60-day clock for public comment. EPA has established a workshop on 2/18/10 in Palm Beach County. In October 2010 the final rule will be published and then becomes law within 60-days.

Alan then presented the proposed EPA nutrient standards. He said EPA divided the state into 5 different nutrient regions. A comparison of the proposed standards shows that the South Florida region has the lowest phosphorus standard in the state. Alan said that through the NPDES permit, the coalition of municipalities has assembled data showing that all canals of Palm Beach County, except C-18, are above proposed standards being set by EPA. Transferring water from basins through canals will likely be unacceptable because of the inability to maintain the low phosphorus criteria in downstream water bodies. He mentioned the proposed rule sets a time table for compliance of 20 years. Another big issue is the impact to many government entities to their reclaimed water program. This program has been putting reclaimed water into lakes for recharge, and could be in jeopardy of creating a compliance issue for downstream water bodies by discharge. Reclaimed water historically has much higher phosphorus concentrations than the proposed EPA criteria will allow. Therefore, the Reclaimed Program (with hundreds of millions of dollars already invested) will need to be looked at very critically. The other looming issue is the state's TMDL program being developed by DEP. Alan indicated he could come back and make a presentation on that issue at a future meeting.

There was a suggestion to invite him back for more discussion on these issues. Commissioner Koons noted that many elected officials have not seen this and asked for SFWMD comment. Terrie Bates mentioned that the issue is still in litigation, but the District would be willing to work with local governments as we could be equally impacted by this proposed rule.

Dr. Matt Harwell, Arthur R. Marshall Wildlife Refuge, said DEP's surface water classification system was not mentioned. He suggested FDEP present this item at a future meeting.

**V. Presentation – NPBC CERP, Part 1 Update – Beth Kacvinsky, SFWMD**

Ms. Kacvinsky discussed the planning objectives of the CERP study for this Project. She presented the final array of alternatives and Costs, ranging from \$42-\$692 Million and indicated the original Yellow Book cost numbers were \$425 Million. She then outlined the proposed CERP strategy for the implementation schedule of this Project and what the next steps would be.

Beth indicated that the ACOE has contributed no money to the Project to date, only in kind services. Commissioner Koons noted that government owned all land necessary to restore the system and that Palm Beach County was working closely with Martin County to get this Project implemented. He indicated that Palm Beach County was working to construct the MECCA Flow-way. Beth indicated that the CERP Project Team has met with County Planners to ensure consistency of the County's efforts with the CERP planning process.

Paul Millar of Martin County indicated that Flow-way 3 being planned to achieve much of the goals of the Project. Paul indicated that Martin County felt Flow-way 4 was problematic due to high Phosphorus levels from Lake Okeechobee, but may keep on the idea on the back burner.

**VI. Update - C-51 Reservoir, Phase 2A - Tom Miller, PBC Utilities Dept.**

Mr. Tom Miller reminded everyone of the recent appearance before the Task Force in September by Mr. Bevin Beaudet (PBC Utilities Director) wherein he said he would come back at a later date to update the Task Force on the status of Phase 2A report and Phase 2B Work Scope. Tom related that the Phase 2A report is not yet concluded because of the many loose ends that needed to be completed by the Broward Partners. He noted that even as of this morning the consultant for the Study, Hazen and Sawyer, was still refining the final report, but expected it to be concluded by the end of January. He also advised the Task Force that the Partnership was scheduled to again meet on January 29<sup>th</sup> to receive and approve the final Phase 2A report. In the meantime, PBCWUD staff have prepared a draft conceptual Phase 2B Work Scope which is currently undergoing WUD review. Subsequent review of this Work Scope is being planned with key County water utility providers, drainage districts and the SFWMD to determine potential funding partners. Subsequent to a determination that funding partners may be available, the Phase 2B Work Scope would then be opened to all key partners to refine a comprehensive Work Scope. This refining effort would help determine estimated costs, which would then be presented to the WRTF and BOCC for consideration and to provide direction on how to proceed. Mr. Miller indicated that completion of Phase 2A Report and perhaps a draft Phase 2B work scope could be brought back to the Task Force for their further consideration at the next meeting of the Task Force.

**VII. Presentation - Climate Change – Jayantha Obeysekera, SFWMD**

Jayantha presented the efforts of the SFWMD concerning climate change. Jayantha indicated that this effort was begun by their staff about 2 years ago in order to discuss the strategic issues associated with climate change from a regional perspective. He indicated that the focus from a regional modeling approach would be 2-prong: science and coordination with other government entities. SFWMD is concerned about the impacts from climate change on their mission. He noted that there are two important questions that need to be addressed: (1) affected decisions in short-term and (2) long-term decisions that can be delayed without consequences. He mentioned to all that the District has White-Paper on the subject that is now available. He said the District recognizes the potential impacts to direct landscaping, water supply, flood control, and restoration projects. Salt water intrusion and Southern Everglades Restoration are two other critical concerns.

Sea level rise and causes were discussed. SFWMD is using a range of 5-20” sea level rise by 2060 for their planning efforts. ACOE has a range that has an upper limit as much as 2-feet. Most of coastal structures in the south end of the peninsula are having some additional difficulty in operating their structures during storm events due to critical operating window for release of flood water. Some areas are now using forward pumps.

Jayantha said that one of the District’s conclusions is that there is not enough historical data to make accurate predictions concerning climate change. He also indicated that if temperatures increase by another 7 degrees thermal expansion and ice melting could raise sea levels even more. Therefore, given the uncertainty with accurate projections on sea level rise, Jayantha said all entities need to work together to select the most appropriate range of criteria for future planning.

## **VIII. Public Comment**

The following comments were made by members of the public:

1. Rosa Durando said that many of the problems we have today are from improper land uses. She felt the only hope for proper land use is partnership between the TCRPC and local officials. As an example, she said artificial control elevations in some subdivisions adjacent to the C-51 Canal were approved with too low a control elevation. She said a policy change in this area is needed.
2. Alex Larson said we should not be rewarding the bad behavior of Dade & Broward Counties by cascading water south.

## **IX. Board Comment**

- Jay Foy asked the Task Force to consider a resolution that encourages all operating entities of water management systems to keep up with the maintenance of all BMPs for said systems. After some discussion, Jay then made a motion to have Ken Todd, as Working Group Chair, write up a draft resolution to be brought back to the Task Force for their approval that encourages local governments and other operating entities of water management systems to properly maintain BMPs for the systems under their jurisdiction. John Flanigan seconded the motion. Motion was unanimously approved.
- Jay also cited three other issues he had brought up at previous Task Force meetings:
  - (1) A reminder that inter-basin transfer is part of the idea to better manage control elevations, but the idea is much more encompassing;
  - (2) While the thought of revising utility rates to better reflect the resource availability may be a valid consideration, he will not bring it up again as several utilities have indicated this would be problematic for their operations;
  - (3) The idea of giving some type of water use credit for saving wasted water (such as to tide through seepage) by construction, management activities, or contributions to projects should be considered in the future.
- Jeff Koons then asked the Task Force what items they would like to have on the Agenda for the next meeting. It was agreed to have the following topics placed on the agenda for the next meeting: Presentation of a proposed Resolution on BMP maintenance, Nutrient Numeric Criteria/TMDL update by Alan Wertepny, a review of the Task Force Operating Procedures, and a presentation by DEP on water body classifications. According to the current procedures, a Chair, Vice Chair, and Chair Pro-Temp are elected every year. Jeff Koons mentioned that Don Noel had resigned from the Task Force and that Seacoast Utilities was considering what to do with their appointed position on the Task Force.
- A Chair and Vice Chair may need to be elected at the next meeting, depending on revisions to the Procedures. The members were told to come prepared to nominate a chair, vice chair, and chair pro-temp, if needed.
- The Task Force agreed to meet next on Thursday, March 18<sup>th</sup> at the offices of LWDD.

**X. Adjournment**

There being no further business, Chair Koons adjourned the meeting at 3:50 p.m.

**Next Scheduled PBC WRTF Meeting**

**March 18, 2010  
1:30 p.m. to 4:30 p.m.  
LWDD  
13081 Military Trail  
Delray Beach, FL 33484**