



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



**Lake Worth Drainage District
13081 Military Trail
Delray Beach, FL 33484**

**March 18, 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 1:30 p.m. in the LWDD Auditorium.

Members Present:

Jeff Koons (Chair), David Levy (Vice-Chair), Jay Foy, John Flanigan, Patrick Rooney, Jim Alderman, Dan Beatty (Alt. for O'Neal Bardin), Ted Winsberg (Alt. for Steve Bedner), Albrey Arrington, Dave Stewart (Alt. for Steve Wilson), Betty Bingham

Alternates Present:

Dick Tomasello, Terrie Bates, Dennis Lipp, John Whitworth

Members not Present:

Carmine Priore, Steve Bedner, Steve Wilson, Todd Wodraska, O'Neal Bardin

Alternates not Present:

Shelley Vana, Susan Haynie, Cara Jennings, Scott Maxwell, Michael Dahlgren

WRTF Working Group Present:

Ken Todd (Chair), Linda Brien, Mike Baker, Pete Kwiatkowski

County Staff Present:

Tom Miller, Joanne Koerner, Laura Yonkers

Guests Present:

Ronald Crone, Rosa Durando, Laura Corry, Alex Larson, Sharon Waite, Karen Brandon, Marie Ecton, Patrick Martin, Don Mathis, David Scott, Alan Wertepny, Alejandro Toro, Mark Abbott, Albert Basulto, Becky Hachenburg, Kevin Carter, Ernie Cox, David Brown, Rosemary Rayman, Lyle Munce, David Scott, Carol Connolly, Link Humphrie, Drew Martin, Mark Perry, John Wodraska, David Lefkovich, Paul Quinlan, Stella Rossi, Megan Hanney

II. APPROVAL OF MEETING MINUTES:

A motion was made by John Flanigan and seconded by Patrick Rooney to approve the 1-19-10 meeting minutes as presented. The motion passed unanimously.

III. BMP Resolution – Ken Todd, Working Group Chair

Ken Todd presented a draft resolution that encouraged entities to keep up the maintenance of any stormwater BMPs they may have implemented. A copy of the draft resolution was provided to the WRTF members for their review. Jay Foy made the motion to adopt the resolution as presented and to send it out to all appropriate entities under the Chair's signature. It was seconded by Betty Bingham and approved unanimously.

IV. Water Quality Standards Update - Kevin Carter, SFWMD

Kevin Carter started his presentation by providing an update of the proposed EPA Nutrient Numeric Criteria (NNC) and a brief timeline. Kevin said the final rule is anticipated to be in effect in October 2010. He stated the rule was developed for lakes based on the relationship of chlorophyll-a levels to TN & TP criteria. Most lakes in SFWMD are anticipated to be colored lakes as opposed to clear lakes. Proposed lake standards for TP are 50 ppb and 1.23 ppm for TN with Chlorophyll-a to be less than 20 ppb. Palm Beach County is mostly in the South Florida region. Mr. Carter discussed how EPA derived the standards for canals in south Florida, The proposed standard for South Florida canals is TP 42 ppb, TN 1.6 ppm, and Chlorophyll-a 4 ppb. District staff is reviewing the criteria and its potential effects on south Florida canals. The District plans to submit comments on the proposed rule by April 28th. The DEP has also commented on the EPA criteria and he discussed a number of their concerns as well. DEP expressed concerns about the technical merits of the determination of criteria and the inadequacy of the EPA's estimate of economic costs. Kevin informed the WRTF that Estuary NNC criteria will be out next January. DEP is working to prepare a technical support document to be completed within the next 3 months. The next estuarine workshop with the DEP related to LWL will be in Ft. Pierce on March 31, 2010 at the Harbor Branch. Mr. Carter reviewed the DEP's process for designated use classifications for canals. Current schedule for DEP is to take proposed rule to the ERC by May 2010. This new rule will redefine existing designated uses & classifications of Florida's waters. Current proposal adds a new Class III Limited.

Ted Winsberg asked why someone would petition for a change in classification if the parameters are all the same? Kevin indicated that all were the same except for a small subset. These subset parameters are the ones that enable an entity to petition for a change in classification.

Jay Foy asked if the EPA requirement to adopt the proposed standards is due to a lawsuit. Kevin said yes and the standards and schedule were established in order to meet the agreement in a consent decree. Jay then asked the WRTF to endorse the PBC position letter on the proposed NNC standards as written by Ken Todd. The WRTF asked to see the letter when completed and agreed if there were no major objections from members would endorse by consensus. Mr. Todd indicated he would send the final letter to the WRTF and poll the members. If the majority of the WRTF agreed to endorse the letter, Mr. Todd would prepare a letter for the Chair's signature to EPA expressing the WRTF's endorsement of the County letter.

David Levy asked about artificial water bodies, will they have criteria to go to the new proposed limited class? Kevin indicated that an artificial water body could be reclassified as Class III Limited if the criteria were met.

Linda Brien thanked Kevin on behalf of DEP for his making the presentation. It was mentioned that Kevin has served for several years on the Water Quality Task Force. Because of scheduling conflicts, no one from DEP in Tallahassee was able to attend the meeting today and make the presentation.

V. TMDL's and Numeric Nutrient Criteria - Alan Wertepny, Mock, Roos & Assoc.

Alan Wertepny explained to the WRTF what the acronyms NPDES, MS4, and TMDL stand for and what those programs are. Mr. Wertepny reviewed again the standards proposed in the EPA NNR. He mentioned that only one basin in Palm Beach County, the C-18 Basin, has no exceedences of the proposed EPA standards. He went on to say that EPA's estimated costs to meet the new criteria are generally very low.

Mike Baker of LWDD gave a practical example of what would be necessary to meet the proposed EPA standards for 4 different basins within LWDD. Mike presented a map to the WRTF that showed how large a Stormwater Treatment Area (STA) would be needed to achieve compliance. LWDD preliminary calculations showed that approximately 21,000 acres would be needed for an STA facility, if that type of treatment was provided. It was pointed out that these calculations did not include what would need to be accomplished for the municipalities east of LWDD (roughly east of I-95). Those municipalities would have to develop their own treatment methodology. Jeff Koons mentioned that wastewater reuse program in PBC could also be gone as a result of the proposed criteria, a \$220 million investment for PBC Utilities. Jay Foy said the proposed criteria for phosphorous has a higher standard than current groundwater quality. How can we clean this up to these levels if groundwater phosphorous concentrations are higher than the proposed standard? David Levy offered the opinion that when you set standards that are impossible to be achieved, they will be ignored. He believes there is no environmental protection in standards like this.

Alan Wertepny then discussed that Total Maximum Daily Loads (TMDLs) are required by Section 303(d) of Federal CWA and Florida Watershed Restoration Act. There will be goals for point and non-point loads established for each impaired water body. In Palm Beach County, Lake Okeechobee has a completed protection plan with a goal to show improvement in water quality by 2015. Water bodies within PBC Groups 2 & 3 have a completed verified list with a Basin Management Action Plan (BMAP) that must be completed in 2011. When the state identifies and enumerates impairment for a water body, a management action plan discusses the measures that should be accomplished in order to resolve the impairment (e.g. fertilizer ordinances, pre-development nutrient levels, etc.). All discharges must reduce nutrients as specified in the BMAP. Alan mentioned that another rule to watch is Florida's proposed statewide stormwater treatment rule that controls the discharge of nutrients. This will replace the District's current one half inch rule by establishing an 85% reduction of pre development phosphorous loads. The draft Rule and handbook are now on the FDEP website. Comments are due by June 18th. Workshops will begin in May and run through March 11, 2011.

Chair Koons said that the loss of the reuse program is a potential problem as the BCC heard this on Tuesday. David Levy said there will be a problem in the future when they start taking away Alternative Water Supply (AWS) options, such as the reuse program. Albrey Arrington said a utility can discontinue a reuse program and send the effluent down a deep well. However, utility bills could increase as much as ten fold, assuming there is enough resource capacity to sell water and be in compliance with regional water availability rule.

VI. Update - C-51 Reservoir, Phase 2A & 2B Report - Tom Miller, PBC Utilities

Mr. Tom Miller gave a brief presentation on the C-51 Reservoir Phase 2A report. Mr. Miller made no recommendation and no action was taken by the WRTF. He reminded the WRTF the original study concept was to determine feasibility of the project that was sponsored by seven utilities. The original concept foresaw benefits of estuary improvement, additional water supply, and water management flexibility. Phase 2A was to accomplish the following four tasks:

- 1) Update Demand Projects
- 2) Evaluate two Conveyance Routes
- 3) Compare Geotechnical and Hydrologic Conditions to possible C-51 site
- 4) Develop Cost Effectiveness Sensitivity Analysis

The report is now complete and Tom passed out copies of the report to the Task Force members. The report concluded that more detailed study was needed for the conveyance routes. It also concluded that the geologic and hydrologic characteristics in the area west of and adjacent to the existing L-8 Reservoir were similar to those of the L-8 reservoir. The final design would require further data collection, site performance analysis and anticipates a slurry wall.

Tom went on to say that capital costs for any AWS project could not exceed \$5.00-6.50 per gallon as the County could meet their demand for the future using a reverse osmosis system at that cost. The report said costs could be as low as \$3.75 per gallon with virtually all the utilities in the study area participating.

Tom outlined the next steps in the study process:

- 1) Send letter to SFWMD requesting response on benefits to the Utilities
- 2) Extension of Utilities' CUP Timing
- 3) Survey Utility Support for the Project among other Utilities within the County
- 4) LWDD investigates their role
- 5) Prepare Scope of Work for Phase 2B
- 6) Stakeholder Review of Scope of Work for Phase 2B
- 7) BCC Approval of Phase 2B Study

VII. Public Comment – Jeff Koons, PBC WRTF Chair

The following comments were made by members of the public:

1. Rosa Durando has concerns that the proposed C-51 Reservoir will not work because of water quality concerns. She indicated that she was for more studies, but doesn't think we should get our hopes too high.
2. Drew Martin commented that nutrient numeric criteria is something that is needed. He also believes we need a fertilizer ordinance in the County. He, too, has concerns with the C-51 Reservoir, particularly the problem of stratification and mixing.

VIII. Task Force Member Comments

- Chair Koons mentioned to the Task Force that we had a 9 inch rain in central PBC last week near the Westgate area and the Pineapple Park area within the City of West Palm Beach, both areas that he represents as a County commissioner. Even with such a large amount of rain within a short period of time, there was very little flooding. He attributed this to the work of the Stub Canal Task Force and improvements that have been made over the last couple of years.

- Chair Koons also mentioned the LWL initiative boat tour which had a total of 110 people. On the tour the participants saw manatees, spotted rays, an oyster catcher fly over and a turtle release. He said it is interesting to see progress being made in the LWL.
- Betty Bingham commented that there was no flooding in Ocean Ridge from that rain event last week because of improvements they have made to their system. She also said that within the LWL adjacent to Ocean Ridge, they have good bay water quality. Additionally, she said that because they have so many manatees and red hawks, the Town should consider declaring Ocean Ridge a bird sanctuary.
- Jay Foy stated that we need nutrient standards, but the proposed EPA standards were inappropriate for south Florida. He also said he dislikes the policy of local sources first and to think that each utility should be its own entity is fiscally irresponsible. He is opposed to a local source philosophy.
- Dave Levy commented that it's a regional resource, not just local. We need a regional plan.
- Chair Koons also mentioned that SFWMD is looking for public input into strategic planning concepts, due in October. He asked this be added to a future agenda for discussion.
- Chair Koons also told the Task Force that at last Tuesday's Board of County Commission (BCC) workshop a presentation was made on the activities of the Task Force and that the BCC was very impressed with what they're doing. He mentioned that there was discussion by the BCC to add one more drainage district, Indian Trail Improvement District, to the WRTF to represent the western area of the County. The Task Force was okay with the idea and with the direction from the BCC, the Resolution will be amended to include ITID.
- Chair Koons mentioned to the Task Force that the SFWMD made a presentation to the BCC on the CERP Northern Palm Beach County Plan. He mentioned that Commissioner Vana wants a presentation from SFWMD on what they plan for the south end of the County. Jeff thought we should take the opportunity to invite the Refuge to show their master plan, have SFWMD talk about the ACCELER8 program, and discuss the east coast buffer program. He felt the meeting should be held at LWDD. Jim Alderman indicated they would be happy to host the meeting.
- Chair Koons suggested that the Utilities be placed on a future agenda to talk about the reuse system that is in place and how the nutrient numeric criteria may affect all systems.

IX. Task Force Procedures

Ken Todd pointed out to the WRTF members that they had a copy of current procedures in their packet. There were a couple of changes to the procedures that the WRTF should consider:

- 1) He explained to the members that Seacoast Utilities had decided not to replace outgoing member, Don Noel, with another Seacoast Board member. In light of that, Mr. Todd suggested that Aubrey Arrington of the Loxahatchee River District be elevated from alternate to member for that slot. He also suggested placing Dave Brown of Jupiter Utilities as the alternate to represent the North County utilities. Since the original County Ordinance spelled out a special independent district for this slot, the Ordinance would have to be amended with the approval of the BCC to include a utility for that slot. There were no objections and by consensus the suggestion was approved. The ordinance language will also be amended with the direction from the BCC to add ITID to the WRTF.
- 2) The current WRTF procedures call for all officers to serve for a year or until the next election is held. Mr. Todd asked the WRTF that since the original officers were voted in during the middle of the year, would they want to wait until next November to hold the next election of officers or elect new officers now? By consensus it was agreed to wait until November to hold new elections.
- 3) Mr. Todd also suggested the WRTF consider having the procedures reflect that all members shall abide by the new PBC Ethics Ordinance, as well as the Sunshine law. Foy moved to do so and Levy seconded with unanimous approval. It was suggested that an attorney from the County Attorney's Office come and discuss the ordinance with the WRTF members at the next meeting.

X. Adjournment

There being no further business, Chair Koons adjourned the meeting at 3:40 p.m.

Next Scheduled PBC WRTF Meeting

**May 20, 2010
1:30 p.m. to 4:30 p.m.
NPBCID
357 Hiatt Drive
Palm Beach Gardens, FL 33418**