



FWEA Utility Council

Protecting Florida's Clean Water Environment

P.O. Box 10755 • Tallahassee, Florida 32302 • (850) 425-3428

www.fweauc.org

**Minutes of the 12/09/2014 FWEA Utility Council &
Southeast Florida Utility Council Joint Meeting
City of Boca Raton
Boca Raton, Florida**

Board Members in Attendance Include:

Brian Wheeler	President
Lisa Wilson-Davis	Vice President
David Richardson*	Past President
Paul Steinbrecher	Director at Large
Donald Palmer*	Director at Large
Tom Rawls*	Director at Large

UC Staff in Attendance Include:

David Childs	Legal Counsel
Katie Ibarra	Administrator

**Via Telephone*

Members in Attendance Include:

Terri Lowery	Jones Edmunds	Rick Hutton	Gainesville Regional Utilities
Rob Teegarden	OUC	Ken Caban	Tetra Tech
Debbie Bradshaw	OUC	Marjorie Craig	Polk County Utilities
Chris Pettit	Palm Beach County	Edgar Fernandez	Miami-Dade County
Chuck Drake	Tetra Tech	Patty DiPiero	Lee County Utilities
Lee Killinger		Renuka Bajnath	Town of Davie
Pam Keyes	Lee County Utilities	Ali Parker	City of Hollywood
Glen Superville	City of Hollywood	Ed Kent	Parsons Brinkerhoff
Denver Stutler	Polston Applied Tech.	Lee Gordon	Calvin Giordano & Associates
Isabel Botero	Black & Veatch	Natalia Garcia	City of Sunrise
Flip Mellinger	Marion County	Shery Negahban	Miami-Dade WASD
Bertha Goldenberg	Miami-Dade WASD	Steve Lamb	Fla-Inc.
Scott Kelly	City of West Palm Beach	Maria Loucraft	City of Pompano Beach
Randy Brown	City of Pompano Beach	Kassandra Myers	City of Hollywood
Robert Tatum	Underground Solutions	Suzanne Mechlerse	CDM Smith
Jose Lopez	Atkins	Anne Murray	Martin County
Brandon Selle	SUA	Tyler Davis	Global Tech
Maurice Tobon	Palm Beach County	Hassan Hadjimiry	Palm Beach County
Paula Fonsez	Chen Moore & Associates	Jay Ameno	GAI Consultants
James Barton	FTC	David Schuman	Global Tech
Pete Kwiathowski	South Florida WMD	Donald Eckler	Eckler Engineering
J. Dennis Westrick	City of Coconut Creek	Amy Tracy	ETM
Juan Guevarez	Palm Beach County		

Members Attending Via Teleconference:

Jan McLean	City of Tampa	Ed Cordova	JEA
Suzanne Goss	JEA	Jeff Greenwell	Hillsborough County
Sherry Lovely	Pinellas County		

I. Call to Order

Brian Wheeler called the meeting to order at 9:15 a.m. There is a quorum present.

II. Approval of FWEA Utility Council Meeting Minutes

The October 9, 2014 Meeting Minutes from the Joint Meeting were presented for approval.

A MOTION TO APPROVE THE FWEA UTILITY COUNCIL MEETING MINUTES FOR OCTOBER 9, 2014 WAS ENTERED BY LISA WILSON-DAVIS AND SECONDED BY PAUL STEINBRECHER. ALL IN FAVOR. MOTION PASSED.

III. Approval of the SEFLUC Meeting Minutes

The November 10, 2014 Meeting Minutes from the Regular Board Meeting were presented for approval.

A MOTION TO APPROVE THE SEFLUC MEETING MINUTES FOR NOVEMBER 10, 2014 WAS ENTERED BY RANDY BROWN AND SECONDED BY BERTHA GOLDENBERG. ALL IN FAVOR. MOTION PASSED.

IV. FWEA Utility Council Budget & Dues

The available balance in the operating fund is \$260,000. The membership dues invoices have been sent out and we are receiving payments. If you have any questions regarding your invoice, please contact Donald Palmer.

V. SEFLUC Budget

The available balance in the operating fund is \$82,420.

VI. Regulatory Update

FDEP Bacterial TAC – David Childs / Brian Wheeler

The FWEA Utility Council recently issued a position paper to FDEP based on conversations that occurred at this year's FDEP Day. FDEP previously proposed a process that required an automatic BMAP any time a water body is impaired with fecal matter bacteria. It would then be required to enter a TMDL and then follow the subsequent

requirement. The FWEA Utility Council proposed rules that used the concept of the best judgment of the utility. In other words, as long as the utility was meeting the requirements, the utility could conduct their own practices. The FWEA Utility Council does not support the BMAP approach, but rather supports the approach to have an option to enter into a BMAP. FDEP is starting to agree with this approach. If you have any questions, please contact the issue leads, Ed Cordova or Ted McKim.

EPA Waters of the US – David Childs

The FWEA Utility Council has submitted a comment letter to the EPA on the proposed Waters of the US rules that focused on the impact to reclaimed water systems. The comment period ended on November 20, 2014. Hundreds of comment letters have been submitted on the subject. At this time, we will have to wait to see what the EPA does after they have reviewed the comments.

Antidegradation Lawsuit – David Childs

The main elements of the lawsuit have settled. The EPA reviewed the list of impaired waters and did not insert new considerations. The remaining issue is whether the EPA should have focused on antidegradation policies when implementing impaired waters criteria. In other words, should there be a requirement for water bodies whose quality is declining but still meets the standards. At this time, the FWEA Utility Council will continue to monitor the case but will not intervene.

Numeric Nutrient Criteria Update – David Childs

Oral argument has been set before the 11th Circuit on Earth Justice's appeal on the consent decree on January 29, 2015 in Jacksonville. The Court will be most interested in hearing from parties in the case and then from the state. The FWEA Utility Council will focus their efforts in preparing for oral argument and will also assist in helping the Attorney General's office prepare.

St. Mary's River Estuary NNC – David Childs

Pulp and Paper have challenged the St. Mary's River Estuary NNC criteria. They assert that FDEPs criteria are overly conservative and that FDEP is not interpreting the narrative. They argue that the estuary criteria for St. Mary's River should be invalidated. The implications of the outcome of this case can have a great impact on NNC. FDEP may be highly motivated to settle this case.

Septic Tanks – Brian Wheeler

The FWEA Utility Council is working with FDEP on how to address the issue of septic tanks. We anticipate that this issue will come up with this year's springs legislation. We

may have an opportunity to drive septic tank regulations. FDEP conducted a meeting with Mr. Childs, the League of Cities and Department of Health to determine how to address septic tanks in impaired watersheds. FDEP is considering having a solutions team during the permitting process to identify where septic tanks are identified as creating a problem. In addition, FDEP is considering a cost share program as an incentive.

VII. Legislative Update

Springs Legislation

Springs legislation is coming back in 2015. Both Simmons and Dean have indicated that they wanted to pick up from where they left off last session. The only question is whether there will be one springs bill or if there will be alternative approaches. We believe that the initial bill submitted will be similar to last sessions. FDEP has said that they will be more engaged this session on the springs issue. In addition, Commissioner Putnam will also be more engaged on the issue.

Water Infrastructure Funding

Amendment 1 passed in the general election. One of the key legislative issues this session is going to be struggling with the correct legal interpretation of Amendment 1. We suspect that the Legislature will review all water infrastructure funding and see where they can put money in existing programs. The second priority will likely be to fund land management programs. The third priority is still in question. The question is whether capital projects can be purchased with the money.

Reclaimed Water Study & Related Issues

FDEP has finished its first round of workshops for the Reclaimed Water Study. They have found that there is still trouble getting connections to reclaimed water units. After FDEP reviews the feedback, public comments and surveys, they intend to have a final report released in December 2015. There is a possibility that there will be an interim report released before then. Jan McLean stated that FDEP plans to have an initial draft of the report by June so that FDEP can conduct another round of workshops and public comment periods.

Ocean Outfalls

There is an effort to get some tweaks to the ocean outfalls legislation, mostly to the required percent of reclaimed use and what constitutes that percentage. Proposed language has been drafted and is being circulated for review. It will be submitted to the FWEA Utility Council for review and request for support. The FWEA Utility Council will submit comments and assist as needed.

VIII. Other Legislative Issues

CCNA Legislation

There is legislation proposed to increase CCNA limits to \$5M and \$500K. This additional flexibility would be beneficial for implementing capital projects.

DOT Utility Line Move Costs

There is legislation proposed to have a study on the costs of moving utility lines for transportation projects.

IX. Administrator Report

The January 30 meeting at JEA has been rescheduled to Friday, February 6, due to a conflicting Central Florida Water Initiative Meeting.

X. FWEA Involvement

The FWEA would like to have more participation in FWEA Utility Council activities. A discussion ensued regarding FWEA involvement.

XI. SEFLUC Business

The next SEFLUC Meeting will be on January 12. On January 5 – 8, Coral Springs will host a Water Distribution Level 3 training course. The annual reclaimed water report is due January 1. The AWWA Fly in will be on February 16 – 17 in Tallahassee.

XII. Adjournment

The meeting adjourned at 11:50 a.m.