



**Wekiva River Basin
Commission**

**Wekiva River Basin Commission (WRBC) Meeting Minutes
February 21, 2019
2:30 p.m.**

Wekiva Springs State Park
1800 Wekiwa Circle
Youth Camp Rec Hall
Apopka, FL 32712

In Attendance:

Chairman Lee Constantine – Chairman
Mr. Bill Battaglia – Battaglia Fruit Company
Mr. Charles Lee – Senior Vice President, Florida Audubon Society
Mr. Glenn Pressimone for Ms. Laura Kelley – Central Florida Expressway Authority
Mr. Jody Lee – Florida Department of Agriculture & Consumer Services
Mr. Charles Henry – Florida Department of Health
Mr. Alan Hyman for Secretary Mike Shannon – District Secretary, Florida Department of Transportation
Mr. Tom Shupe for Ms. Shannon Wright – Regional Director, Florida Fish and Wildlife Conservation Commission
Mr. Aaron Watkins – District Director, Florida Department of Environmental Protection
Dr. Ann Shortelle – Executive Director, St. John's River Water Management District
Mr. Gary Huttman – Executive Director, MetroPlan Orlando

Not in Attendance:

Mr. James Stansbury – Florida Department of Economic Opportunity (via phone)
Commissioner Brenda Carey – Seminole County
Commissioner Leslie Campione – Lake County

Other Attendees:

Mary Brooks – Wekiva Parkway
Nick Lulli – Wekiva Parkway
Stacy Van Camp – City of Apopka
Richard Earp – City of Apopka
Christine Moore – Orange County Government
Robert Brooks – Wekiva River Basin State Park
David Bottomley – Sierra Club
Nancy Prine – Landscape Architect
Lucius Cushman – Commissioner, Altamonte Springs
Audra Bushfield – Florida Department of Health
Ashley Konon – Florida Department of Environmental Protection
Phyllis Hall – Seminole Audubon Society
Barbara Howell – Florida Coastal Office
Ron Hart – Lake County Water Authority

Andrea Samson – The Sludge Report
Jess Kobach – Seminole County Resident
Cecilia Carey – Seminole Audubon Society
Marcelo Blanco – Florida Department of Health
Bob Elmquist
Gabbie Milch
Quentin (Bob) Beitel

1. Call to Order and General Business

- The meeting was called to order by Chairman Constantine at 2:32 p.m.
- Ms. Pegge Parker called roll and announced there was a quorum.
- Commissioner Constantine led the Pledge of Allegiance.
- Announcements:
 - Commissioner Constantine recognized Orange County Commissioner Christine Moore, who is to be appointed by the Governor to replace Mayor Bryan Nelson on the Commission.
 - He also recognized Mr. Robert Brooks, Park Manager for the Wekiva River Basin State Park and thanked him for his assistance using the facilities today.
- A motion to approve the February 2019 Minutes was made by Mr. Charles Lee and seconded by Mr. Battaglia. A vote was taken and passed unanimously.
- Commissioner Constantine discussed the handout of the 2018 Wekiva Annual Report. He thanked the staff of the RPC for continuing to produce the Wekiva Annual Report as well as staffing this organization as required by law. He explained the history of how the RPCs in the past had received money from the state to cover state required mandates such as the Wekiva Commission but they have not been paid for the last several years. Currently, the RPCs are in the process of collecting funding numbers for their required mandates in hopes of re-addressing the situation with the new Governor. A motion was made by Mr. Charles Lee to approve the Annual Report and was seconded by Mr. Battaglia. A vote was taken and it passed unanimously.

2. Public Comments

Ms. Nancy Prine, Friends of Wekiva River, discussed the concerns her committee had with the Wekiva Basin Management Action Plan (BMAP), as it relates to septic tanks, which was issued in June 2018. After several BMAP groups reviewed it, it was decided that it did not meet the requirements of the Springs Act of 2016 and would not produce the results that were needed within Rock Springs and Wekiva River to protect the resources and correct some of the nitrate problems. Therefore, along with four other BMAP committees, they challenged the BMAP and it has been accepted for an Administrative hearing which will take place in September. They are concerned about dealing with septic tanks, the replacement of the tanks, and also fertilization. Mr. Charles Lee responded providing additional information on the case.

3. Agency Activities

Florida Department of Health (FDOH), Rulemaking Activities on On-Site Treatment Disposal Systems (OSTDS) Standards Pursuant to Recommendation 9 of the Final Report – *Mr. Charles Henry*

Mr. Henry stated that last year's rules were completed requiring that new constructions in Primary Focus Areas (PFA) on lots less than one acre be prohibited unless the septic systems include nitrogen-reducing features in accordance with the remediation plan, or be connected to a sewer when a sewer is available. Rules are now being developed for existing systems in the PFA that need repair or modification. These systems will need to be upgraded to nitrogen-reducing systems or connect to a sewer within 20 years of the adoption of the BMAP septic systems remediation plan.

Currently the Department has a list of 25 approved nitrogen-reducing systems for use in the PFA. This list includes ten ATU's that meet NSF 245 standards, 14 performance based treatment systems, and the in-ground nitrogen reducing bio-filter (INRB). Coming soon, there is a 2nd INRB utilizing a liner in the approval process along with 11 innovative systems being evaluated for approval.

In preparation for BMAP implementation, the Department prepared a set of educational materials including presentations to help educate septic system owners about the available onsite system technologies, and new septic system regulations required by Florida Department of Environmental Protection (FDEP) BMAPs. The department also provided trainings to county health department staff regarding anticipated BMAP requirements, available nitrogen-reducing technologies and systems, permitting procedures of these systems, and installation and inspection of INRBs.

Florida Department of Environmental Protection (FDEP), Establishment of Total Maximum Daily Loads Pursuant to Recommendation 6 of the Final Report – *Mr. Aaron Watkins*

Mr. Watkins reviewed the history of the BMAP and its relevant dates which included Secretary Valenstein signing on June 29, 2018. The Friends of Wekiva requested an extension of time to challenge which ran until January 4, 2019. This is when they filed a formal petition challenging the BMAP. The hearing date will be in September.

As of November 2018, there are 41 domestic Wastewater Treatment Facilities (WWTF) affected by the Total Nitrogen (TN) requirements. Of the 41 facilities, 27 are in compliance with the TN treatment limits, and an additional 12 have connected to regional wastewater systems. The two remaining facilities continue to operate under consent order, however, they are currently meeting TN treatment limits. The facilities remain under consent order due to needing additional reporting events to be factored in the “annual average” calculation to bring the average within limit.

The June 2018 Wekiwa Spring and Rock Springs BMAP establishes nitrogen effluent limits that will be applied as an annual average to all new and existing WWTFs within the boundary of the priority focus area designated by the BMAP. The effective date for these nitrogen effluent limits is set to be compatible with the ongoing upgrades and compliance orders associated with implementing the Wekiva Study Area nitrogen limits. New effluent standards for existing facilities in the PFA will take effect on July 1, 2028 and will be written into the facilities' permits at the next permit issuance or renewal following the effective date. Facilities must be compliant with the new standards no later than July 1, 2038. The department will be immediately working with facilities to plan for complying with the effluent limits.

Florida Department of Agriculture and Consumer Services (FDACS) – *Mr. Jody Lee*

Mr. Jody Lee stated that Ms. Nikki Fried has been named the new Commissioner. She has a strong interest in the hemp/medical marijuana industry and discussions have started on the development of a Best Management Practices Manual. Ms. Deborah Tannenbaum has been named the new Deputy Commissioner who was most recently the Executive Director of the Florida Peanut Federation in Lake City. He stated they also have a new Director of Cannabis, Ms. Holly Bell, who comes from Tennessee. They are still waiting for a new Office Director. Mr. Andy Rackley served as the Interim Director but he retired the end of December.

The Self Verification (SV) process, now called the Common Practice Status Report, had a more than 75% response and indicated 97% implementation of BMAPs statewide. This is a separate item from the Implementation Verification (IV) system.

St. Johns River Water Management District (SJRWMD) – *Dr. Ann Shortelle*

Dr. Shortelle stated that the Wekiva Basin is on the Minimal Flows and Levels (MFL) list. They will make their schedule later in the year, including workshops along the way with plenty of conversation and outreach. Now through the spring is a good time to meet before the workshops get too far down the road. It is a pretty descriptive process. At the last meeting, the Mayor of Apopka commenting on Camp Thunderbird and the septic enhancement project which is under contract and rolling along. Dr. Shortelle also gave an update on the district Cost Share Program. There are three new ag projects approved in the Wekiva Basin and three new general cost share projects with a total of over \$8 million for water quality and water supply benefits scheduled to be underway the first quarter of this year.

Florida Fish and Wildlife Conservation Commission (FFWCC) – Mr. Tom Shupe for Ms. Shannon Wright

Mr. Shupe gave an update on Wekiva Parkway Sections and Progress to-Date as of 1/16/19:

- Section 3a – Permitted with FDEP, no U.S. Army Corps of Engineer (USACE) involvement. Consultation with U.S. Fish and Wildlife Service (USFWS) for sand skinks and eastern indigo snake complete. Payment made to The Nature Conservancy to satisfy sand skink mitigation. May Affect, Not Likely to Adversely Affect (MANLAA) for eastern indigo snake. Gopher tortoise permit issued. Under construction.
- Section 3b – Permitted with FDEP, no USACE involvement. No sand skink surveys necessary. Gopher tortoise permit issued. Bat houses put up so that the bats have somewhere to go while the old bridge is being torn down and the new one built. The new bridge will have Texas Bat Abodes under it for the bats. Under construction.
- Section 5 – Permitted with FDEP, no USACE involvement. Consultation with USFWS for sand skinks and eastern indigo snake complete. Payment made to The Nature Conservancy to satisfy sand skink mitigation. MANLAA for eastern indigo snake. Gopher tortoise permit issued. Under construction.
- Section 6 – FDEP and USACE permits issued. FFWC Bald Eagle Disturbance permit and USFWS Bald Eagle Disturbance permits both issued. FFWC Bald Eagle permit was voided, USFWS one was modified, as the Design Build (DB) firm moved outside of the 330' buffer. Acquisition and Restoration Council (ARC) approval received for both the Florida Department of Transportation (FDOT) project and the Florida Gas Transmission project. Gopher tortoise permit issued for the project. Seminole State Forest was permitted as a short-term recipient site for impacted Florida Forest Service (FFS) tortoises. Rock Springs Run State Reserve permitted as a short-term recipient site to accommodate FDEP impacted tortoises. All conservation tortoises have been relocated to conservation lands, other tortoises were relocated to tortoise banks. Once the permit is issued, we will modify our relocation permit to include Rock Springs as a recipient site. Land identified during the ARC process to replace impacted Forestry lands has been transferred to the Division of State Lands. DB firm will build a new entrance road as an ARC commitment for impacts to FDEP State Parks' land (on this section, Rock Springs Run State Reserve). Contract awarded to DB firm March 2017, and construction is underway.
- Section 7a – FDEP and USACE permit issued. ARC approval received for both the FDOT project and the FGT project. Gopher tortoise permit issued. The Rock Springs Run short-term recipient site has accommodated all FDEP impacted tortoises (from Lower Wekiva State Preserve). Construction letting date: 12/2017, and construction is underway.
- Section 4a/4b – Construction complete and road is open. Bat houses are up.
- Section 8 – FDEP permit issued. USACE concurred that the project is still not jurisdictional. Gopher tortoise permitting will be the responsibility of the DB firm selected. Gopher tortoise permit has been issued and the contractor has relocated most of the gopher tortoises (ahead of the cold weather). Construction has not officially started. Contractor is in the process of modifying the FDEP permits. Ms. Mary Brooks also commented on the wildlife corridor and the bear population in Section 8.

Florida Department of Economic Opportunity (FDEO) – James Stansbury

Mr. Stansbury was unavailable for his report.

Florida Department of Transportation (FDOT) – Mr. Alan Hyman

Mr. Hyman stated that the new Governor has appointed Kevin Thibault, former Southeast Regional Senior Vice President of TranSystems Corporation, as the new Secretary of Transportation for Florida. He has extensive experience in government and private sectors and has previously served for FDOT.

Ms. Mary Brooks showed a PowerPoint presentation and highlighted work to-date on the Sections. The future construction schedule was also discussed. Her presentation also included updates on traffic, landscaping, the trail, environmental coordination, and the bridges. Ms. Brooks full presentation has been added to the website.

Central Florida Expressway Authority (CFX) – Mr. Glenn Pressimone for Ms. Laura Kelley

Mr. Pressimone discussed;

- Traffic counts: See attached Current (8/27/2019) Wekiva Parkway Volume Comparison Table
- Updates to the Expressway Board: Lake County Commissioner Leslie Campione has been appointed; Orange County Commissioner Betsy VanderLey was appointed by Mayor Demings; and there are three open gubernatorial appointments.

MetroPlan Orlando – Mr. Gary Huttman

Mr. Huttman stated that MetroPlan is undertaking its long range planning effort and this board would be a good sounding board for the project. He discussed that he can come back at a 2020 meeting to present it as the plan encourages proactivity on environmental issues.

4. Other Business

- Legislative Update:
 - Commissioner Constantine discussed the new Governor's emphasis on water resources which has an initial budget of \$650 million. He has made the commitment, over the course of a number of years, to protect water quality. The Florida Association of Counties (FAC) has also taken the extraordinary step of establishing a Water Policy Committee comprised of 38 county commissioners from across the state and have asked Commissioner Constantine to be the Chair. The committee will serve as the Association's voice when addressing water related policy concerns and provide a structure for the organization to recommend solutions. Also, the Florida Conservation Coalition, which Commissioner Constantine co-Chair's with former Governor Bob Graham, has developed A Water Policy for Florida. It is a ten-page document, which is available on the Florida Conservation Coalition website, unanimously approved by the steering committee. It will be disseminated throughout Florida to the policy makers, as well as other environmental groups.

5. Public Comments and Announcements

- There were no additional Public Comments or Announcements.

6. Future Meeting Dates – Chairman Constantine

The next meeting will be scheduled in late summer 2019.

7. Adjournment

Chairman Constantine adjourned the Wekiva River Basin Commission Meeting at 3:57 p.m.