



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



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

**October 17, 2013  
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 1:35 p.m.

**Members Present:**

Jay Foy (Chair), Matt Wilhite (Vice-Chair), Dave Stewart, Ted Winsberg, Mary Lou Berger, Rod Braun, Michael Dahlgren, John Flanigan, Jeff Hmara, Michael Mullaugh, Adrian Salee, Kofi Boateng (Alt. for David Brown)

**Alternates Present:**

John Callaghan, Dick Tomasello, Chip Block

**Members not Present:**

James Alderman, David Brown

**Alternates not Present:**

Shelley Vana, Scott Maxwell, Dawn Pardo, John Whitworth

**WRTF Working Group Present:**

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

**County Staff Present:**

Chris Pettit, Brian Shields

**Guests Present:**

Carol Connolly, Laura Corry, Don Mathis, Drew Martin, Martha Musgrove, Steve Lamb, Scott Kelly, Danna Ackerman-White, Becky Hachenburg, Ernie Cox, Albert Carbon, Patricia Curry, Richard Radcliffe, Terry Clark, Dan Beatty, Karen Brandon, Anne Kuhl, Gert Kuhl, Patrick Martin, Alan Balwig

**II. APPROVAL OF MEETING MINUTES:**

A motion was made to approve the 7-25-13 meeting minutes as presented. The motion passed unanimously.

### **III. WRTF Resolution Revisions – Ken Todd, PBC Staff Liaison**

Ken Todd gave a short presentation on WRTF Resolutions that are being presented for approval by the BOCC. One of the key changes concerns term limits, which will be for 3 year terms with a 3 term limit for a maximum total of 9 years. The Board of County Commissioners (BOCC) and League of Cities representatives' terms expire in 2015 and the terms of all other representatives expire in 2016. An additional amendment to the Resolution changes the requirement to hold quarterly meetings to a requirement to hold meetings on a regular basis. The proposed changes will be put forth at the October 22, 2013 BOCC meeting for approval by the BOCC.

Question: Does regularly imply a set schedule?

Ken: Once a year would meet the requirement.

Comment: It seems as though the language implies a set schedule

Ken: not really...if the Task Force is ok with the meeting schedule, that approval will define "regular" meetings.

### **IV. C-51 Reservoir Working Group Update – Dave Swift – Village of Royal Palm Beach**

Dave Swift gave a presentation detailing the C-51 Reservoir Finance and Governance Work Group members and recent activities. Mr. Swift additionally listed the representatives to the Work Group and noted that Mary Lou Berger had joined the group on behalf of the BOCC. Mr. Swift then presented minutes of the initial finance and governance meeting, emphasizing the need to identify cost share partners on the proposed re-examination of Hazen and Sawyer's initial cost figures. Mr. Swift then raised an outstanding issue regarding Broward County shorter term need versus Palm Beach County longer term need and the short term need to fund the initial cost analysis. Michael Mullaugh reiterated that who pays is the pressing issue and raises the question of what benefit the re-examination provides to Palm Beach County? Mr. Mullaugh noted Boca Raton does not have a short term need but supports the study because the City acknowledges that water is regional problem. However, it seems wrong to allocate costs based on who shows up at a meeting. He additionally notes that Phase One is definitely for Broward County and that uncertainty exists as to what is going to happen for water needs in the future. Dave Swift notes that it is likely that Seacoast Utilities will be contributing for support of the regional resource, but notes the past political issues regarding the development of the L-8 Reservoir. Mr. Swift asks for suggestions of other PBC cities/municipalities that will have a future need? Matt Wilhite inquired as to the original charge given to the committees.

Key questions raised: Who else needs to be contacted? Who is going to fund the study? What is going to be accomplished? There continues to be a focus on the short term versus long term viewpoints and needs of the project. Adrian Salee: Noted that he lives on lake in area served by Seacoast Utilities and provides anecdotal evidence of "aquifers tapped harder and harder." Mr. Salee emphasized the need to look into future and looking at the possibility of the aquifer yo-yoing in the future. He emphasized that the group should not sit back and say it is someone else's problem...in time all will take more water as population increases.

Jay Foy moves to cut off discussion and emphasizes the need to let the Working Group do its job. Ken Todd concludes by emphasizing that in addition to study the group is required to set up governance and emphasizes that it is vital to have a seat at the table as things are set up initially.

## **V. FEMA Mapping Update – Ken Todd, Palm Beach County**

Ken presented a PowerPoint detailing the need to understand what is about to happen in flood hazard mapping and the changes coming to flood hazard maps and the national flood insurance program. Florida writes the most flood insurance policies in nation and PBC writes the most in Florida, which amounts to 3-4% of all policies in USA. In other words, Florida provides a significant subsidy to other states in the area of disaster relief. Ken then reviewed the Biggert – Waters Act, which eliminates subsidies and raises rates on certain properties; non-primary homes 25% increase as of January 1 2013 until true risk is reflected. He also stated that effective October 1, 2013 – subsidized properties with severe repetitive events, commercial properties in special zones, substantially damaged or improved properties will be eliminated and rates will be given a 25% increase. No changes will occur unless or until property is sold, policy elapses, property suffers severe and repeated losses, or an owner purchases a new policy. Properties with current NFIP policies affected by map changes will increase 20% year over 5 years once the proposed maps have been adopted. PBC will receive new preliminary maps sometime around the Spring of 2014. Ken gave a brief history of the mapping timeline in PBC. In 1999 initial preliminary maps were rolled out due to the fact that older maps were sorely outdated. Local governments rejected the maps in 2000 (FEMA agreed), which resulted in the proposed maps being redone this year. Ken then reviewed the recent timeframe and the new date for preliminary maps and explains the appeals process for preliminary maps (90 days to appeal and the need to provide additional data as part of the appeal). Ken noted that SFWMD is finalizing a modeling study of the C-51 Canal basin which FEMA has agreed to utilize the results in the mapping process.

Questions: Jay Foy: When will the SFWMD C-51 Canal restudy results be available?

Ken: I don't know, but meetings have already set up between SFWMD and municipalities and PBC to discuss. Those meetings will be followed by meeting with FEMA and should result in the FEMA contractor (AECOM) processing the data as new information.

Ken: FEMA contractor has not conveyed how data and information should be submitted (what format)

Several members ask questions regarding how to demonstrate areas that have been high and dry forever when FEMA shows them as flooded.

David Stewart: Coastal communities need to check for V-zones that changes the ways in which one can rebuild following a catastrophic event.

Question: Is FEMA looking at contemporary events in their modeling and mapping?

Ken: SFWMD is using Tropical Storm Isaac as an event, but FEMA has not used contemporary events in other areas. The most recent event used was Hurricane Irene.

Ken: Ended the discussion by reminding the local governments to stay plugged in on this important issue.

## **VI. Numeric Nutrient Criteria Update – Kevin Carter, SFWMD**

Kevin Carter presented a PowerPoint updating the continued history of the numeric nutrient criteria conversation between the State of Florida and EPA. Kevin is the SFWMD liaison with DEP on water quality restoration and water quality standards. His talks with DEP staff include the latest criteria discussions and he can bring questions back to DEP. Kevin noted that he had last appeared before the WRTF in March 2010. Kevin's presentation included an overview of why NNC exist and a history of the NNC efforts. The presentation also provided an overview of CWA WQS framework and provided a map with state WQS development. Kevin then provided

the history of the development of NNC by Florida's DEP and Technical Advisory Committee. Federal litigation was undertaken by environmental groups in 2008 that resulted in a consent decree and federal rulemaking in 2010. The various phases of federal and state rulemaking for freshwaters and estuaries were then detailed. DEP/EPA reached an agreement for resolution of the Clean Water Act issues starting in November 2012. During the 2013 Legislative Session, legislation was adopted that provided for road map adoption. Kevin then used specific example of DEP criteria development for Lake Worth Lagoon. The LWL is divided into 3 segments (North, Central, South). DEP then utilized 3 biological endpoints (grasses, chlorophyll, DO) to determine health and establish criteria for TN, TP, and chlorophyll a. DEP then sent a report to the Governor in August 2013 regarding progress of criteria development and stating that NNC development for the remaining estuaries will be completed by Dec. 2014, including intercoastal waterways south and north of LWL. In June 2013, EPA formally approved DEP implementation document and on Sept. 2013 EPA approved remaining state criteria estuary NNC. A federal hearing was held September 24 to address the proposed modification of the consent decree and the parties are awaiting Judge Hinkle's ultimate decision. Kevin's contact details are 561-682-6949 and [kecarter@sfwmd.gov](mailto:kecarter@sfwmd.gov)

Questions: Jay Foy: How are the NNC in LWL determined and based on what data? How is the data collected? Within what time frame? Does data include wet seasons and dry seasons?

Kevin: DEP looked historically at data and determined where they thought the accuracy lies and where the designated uses were being met despite variability.

Q: What are TN/TP/chl a values in the Gulfstream?

Kevin: levels in offshore waters are lower – estuaries numbers are always higher than sea level (mixing of fresh and salty in the estuary)

Q: When measurements are taken, are there averages done when data/observations are collected to take into consideration tides/other variable factors?

Kevin: There exists a challenge whenever/wherever one goes to collect data...there is only so many resources that can be dedicated to an effort. The question becomes, do you get enough data? Most networks set up monthly timeframe at most. There is a delicate balance between achieving the best science and what an organization can afford to sample. The 10 year data requirement utilized by DEP assumes capture of variance.

Martha Musgrove: Is the geo-mean determined over a 10 year period?

Kevin: Yes, but DEP also utilizes and includes standard deviation and other statistical measures – the key phrase is “Best Available Science”

Jay Foy: Do the values set in canals require that the water bodies must meet downstream values?

Kevin: no, EPA approval of DEP numbers does not include DPVs. DEP is required to undertake trend analysis and narrative remains in canals.

Dave Swift: If the central section of the Lake Worth Lagoon does not meet its established criteria, how are the cities on C-51 impacted? What is remedy?

Kevin: The remedy is the implementation of the TMDL process – 303(d) listings, TMDL development, BMAP implementation. A key lynchpin will be inter-municipality coordination (Alan Wertepny and Ken Todd).

Martha Musgrove: Raises a governance question – When stakeholders are developing basin by basin BMAPs, do the responsible parties become the DEP or WMDs?

Kevin: DEP secretary signs final order – stakeholders involved develop “equitable allocations” – BMAP is then implemented through permits and other measures – violation of an allocation is a violation of a secretarial order? Permit violations, etc.

**VII. Public Comments**

Jay Foy – Reminded the audience that the WRTF put a time limit on speakers and asks those speaking to please be succinct.

Richard Radcliffe (League of Cities) – sought clarification from Ken: Are the term limit requirements for both members and alternates? A: Yes

Richard also emphasized that SFWMD committed to get the C-51 modeling results out by September 30th and they are now mired in internal review...we need specifics from SFWMD.

Ken: The initial analysis is done, however there remained a modeling glitch that is now being worked out. SFWMD is aware of the Nov. 30th deadline and the County and municipalities will have the results soon.

**VIII. Task Force Member Comments**

Jay Foy: Noted that he faced an ethics complaint for voting on a particular issue and stressed disclosure at all times...the bottom line is that, if a member can benefit (perception) from a vote, the member should abstain.

John Flanigan: The WRTF has never addressed land use issues that affect water resources in the county. There are two major projects coming down the path that could impact water resources – Callery Judge and Highland Dunes. Is it appropriate to educate the WRTF and discuss water resource impacts? Foy: We can hear about them and have an informational exchange. That is very valuable, however, he will personally abstain. Ken Todd needs to determine the appropriate agenda items. Ken asks for direction...who to contact? John: It should be an unbiased presentation. PBC planning may be appropriate to make the presentation. Ken: next meeting in January – will talk to planning folks and get them on in January – Dave Stewart: Can WRTF address land use (legislative type issues) – land use is not separable from water issues as they are back to back on these issues and may present a Sunshine problem for some of the WRTF members. Foy: They will be informational only discussions. Ken will discuss with legal before setting up presentations.

**IX. Next Meeting Agenda - Jay Foy, PBC WRTF Chair**

Jay Foy: Since Ken continues to fill the agendas, the WRTF should continue to meet quarterly and will meet in January. That proposal was moved and seconded. January 16, 2014 will be the next meeting date and will involve an update on the north county water resource plans and/or the land use process pending legal interpretation of appropriateness for this Task Force.

**X. Adjournment**

There being no further business, Chair Foy adjourned the meeting at 3:25 p.m.

**Next Scheduled PBC WRTF Meeting**  
**January 16, 2014**  
**1:30 p.m. – 4:00 p.m.**  
**Clayton Hutcheson Agricultural Center**  
**559 North Military Trail**  
**West Palm Beach, FL 33415**