



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



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

**September 15, 2011
1:30 P.M. to 4:00 P.M.**

I. CALL TO ORDER

A quorum was announced and Chair David Levy called the meeting to order at 1:36 p.m.

Members Present:

David Levy (Chair), Jay Foy (Vice-Chair), Adrian Salee, Michael Dahlgren, Matt Willhite, Jim Alderman, Anthony Las Casas, Dave Stewart, John Flanigan, Terrie Bates

Alternates Present:

Scott Maxwell

Members not Present:

Steve Bedner, Albrey Arrington, Priscilla Taylor, Mike Mullaugh

Alternates not Present:

Shelley Vana, Dick Tomasello, Marlene Ross, J.P. Sasser, John Whitworth

WRTF Working Group Present:

Ken Todd (Chair), Mike Baker, Pete Kwiatkowski, Juan Guevarez, John Bonde, Richard Hasko, Rebecca Elliott

County Staff Present:

Tom Miller, Brian Shields

Guests Present:

Ronald Crone, Carol Connolly, Laura Corry, Drew Martin, Martha Musgrove, Steve Lamb, Larry Portnoy, David Diaz, Alex Larson, Joel Englehardt, Dave Collins, Terry Clark, Karen Brandon, Patrick Martin, Rosemary Rayman, Megan Jacoby, Lyle Munce, Dan Beatty, Chad Kennedy, Neil Johnson, Brent Whitfield, Melissa Meeker, Angelica Gregory, Albert Basulto, Kirk Martin, Georgia Vince, Bob Hennes, David Boyer, Megan Hanney

II. REORDER OF AGENDA and APPROVAL OF MEETING MINUTES:

A request was made by the Chair to reorder the agenda to move the presentation by Melissa Meeker to the first presentation of the meeting. A motion was made by Dave Stewart to reorder the agenda and it was seconded by Jim Alderman. The motion passed unanimously. A motion was made by John Flanigan and seconded by Jay Foy to approve the 6-16-11 meeting minutes as presented. That motion also passed unanimously.

III. Future Direction of the SFWMD

Melissa Meeker, Executive Director, SFWMD

Newly appointed SFWMD Executive Director, Melissa Meeker, provided comments on what she sees as the future direction of the SFWMD. Melissa stated that there was clear direction from Governor Scott to have the District return to its Core Mission. This Core Mission constitutes the following: No. 1 is the Operation & Maintenance of the South Florida Flood Control System; No.2 is Regulation functions & Water Supply; No. 3 is Everglades Restoration; No. 4 is water quality. The Governor also wants this done with a fiscally sound budget.

Ms. Meeker went on to provide her vision for the future direction of the District. Because of the difficult budgeting situation she sees more of an effort to have Public/Private Partnerships. She believes that providing water for the citizens will be a high priority and can be done more effectively by having the Regional Utilities provide more interconnectedness to help ease water shortages in critical areas. The District will also be looking to create new water that could be made available for public use by capturing some of the water lost to tide through structure releases.

- Comments from Task Force Members
 - Jay Foy – Thanks for expediting permitting. The ACOE process is a failure as there is no funding and STA1/E is not working. The L-8 Reservoir is not on line and was supposed to be finished in 2001. Can we believe your timing? Melissa responded that the District gave the Governor a 5-year time period to complete the project, including the L-8 Reservoir pump station that is in the budget. Jay then asked a question relative to Lake Okeechobee. Because of dike failure concerns that have caused the ACOE to keep the lake at lowered elevations, will the levels ever be raised again? ACOE says no. There is not enough storage of water on the east coast. We can't get it to where it is needed unless it is stored in Lake Okeechobee. Melissa responded that the District is working with the ACOE to look at more flexibility in Lake Okeechobee operations. Also, there will be a Lake Okeechobee summit in November or December where it is hoped that we will be able to lay out a plan for the future. SFWMD has recently focused on more storage north of lake. Concerns now are for Hurricane Protection.
 - Adrian Salee – Putting water into storage is great, but now how do we get it into the aquifers? Melissa responded that the Water Supply Planners are looking into this, including landscape plans, water conservation, appropriate uses of particular water bodies, etc. Melissa also reminded everyone that the canal system provides recharge.
 - John Flanigan – To what extent have budget cuts created a problem for CERP obligations? Melissa said District staff took a hard look at functionality of the CORE mission. She said staff believes they are ahead on all accounts of the CERP Plan from the state's obligations. The District will, however, need to look at how to address future needs beyond year 5.
 - Jim Alderman – Wants the District to consider constructing the L-8 pump station on faster pace (<3-years). Melissa agreed that a faster pace would be ideal and not just the pump, but also the needed revetment. Jim stated it would be good to be able to use it in this continuing drought.
 - David Levy – He is concerned about reclaimed water in that if the proposed Numeric Nutrient Criteria go into effect, we might not be able to continue using reclaimed water. Melissa said that was an excellent point and it is being discussed at the state policy level as we do need to be careful of unintended consequences. It is part of the discussion that is moving forward, but we should only be using reclaimed water for irrigation. David said he was happy to hear her say that. David mentioned Frenchman's Reserve and how they have adjusted their fertilization practices when using reclaimed water for irrigation. David is also concerned about the overuse of the Floridan aquifer. The community is being told we need to go here for more water, but it is limited and takes a long time to recharge. Melissa said the District is concerned as well and it will be addressed in the water supply plan.

IV. Fertilizer Ordinance Alan Wertepny, NPDES Coordinator

Alan gave a presentation on a proposed ordinance for Palm Beach County dealing with fertilizer. Alan stated that the MS4 permit granted by DEP to many municipalities, drainage districts, and the county for discharges into nutrient impaired water bodies requires the permittees to adopt a fertilizer ordinance by March 2013 (Section 403.9337, F.S.) for impaired water bodies within their local government jurisdiction. Alan went to say that the text of the proposed ordinance followed state guidelines for implementation.

Terrie Bates asked if the County can do a blanket ordinance. Alan indicated that yes it could be done, but that each municipality has the ability to craft their own ordinance (there are 41 Governmental entities in the county included in the MS4 Permit). Alan mentioned that the biggest variation to individual ordinances will be on enforcement side.

David Levy asked if individual homeowners can apply fertilizer on their own property. Alan said, yes they can, but if they hire someone to place fertilizer on their property the commercial applicator must be certified. David also asked whether or not a homeowner can be fined for putting fertilizer on sod incorrectly. Alan indicated that they could under certain circumstances.

Jay Foy asked if homeowners were subject to the ordinance. Alan responded that they are subject to the fertilizer application criteria, but do not need to go through the training. It was mentioned that there is no specific date anticipated at this time to have this ordinance approved, but that it must be implemented by January 2013 per the MS4 permit. Alan stated that this proposed ordinance has been to NPDES steering committee for comment. County staff is making changes now, based on comments received. It still needs to go through County management and the BCC for final approval. Other local government entities need to approve some form of the ordinance, but are not obligated to accept the County version of the ordinance.

V. Water Conservation Brian Shields, PBC Water Utilities

Brian Shields presented information on “Water Conservation” as it relates to Palm Beach County Utilities. Brian related potential reuse (reclaimed water) issues as a result of the proposed EPA numeric Nutrient Criteria being formulated. Brian mentioned that reclaimed water helps reduce the amount of irrigation water needed by residents and also has a side benefit of helping reduce the fertilizer load needed. Brian also mentioned that the Utilities inverted rate system discourages the wasting of water by high rates for heavy users. Brian also suggested that communities could help in the conservation arena by utilizing more storage opportunities to recharge the groundwater, such as, pervious pavement, underground storage tanks, etc. This recharging of the water table will help to keep the saltwater/freshwater interface at bay, thus lessening saltwater intrusion problems for wells.

VI. L-8 Reservoir Pilot Study Resolution

Ken Todd introduced the subject of the L-8 Reservoir Pilot Study Resolution with a brief presentation on the operation of the Pilot Study conducted earlier this year by SFWMD to deliver water to the Loxahatchee River. He described the two flow-ways in the proposed CERP project, with Flow-Way No.1 being the conveyance water body for this Pilot Study. The final results of the study showed that for the first time in years, the MFL for Loxahatchee River had been met. Additionally, as a by-product of these deliveries, water was supplied to the City of West Palm

Beach that supplemented their water supplies during this drought condition. After he explained how the Pilot Study was conducted earlier this year and the benefits derived from the efforts of the water deliveries, Ken relinquished control to Chair Levy to discuss the Resolution with the Task Force. A copy of the draft resolution was provided to Task Force members. Ken mentioned that all comments received to date had been incorporated into this version of the Resolution.

David Levy said that he believed the Task Force should make recommendations to BCC and other stakeholders dealing with water resource issues and this resolution fits right in with that mandate. David said that the City of West Palm Beach could have run out of water without this project. The proposed Phase II plan should be more ambitious than Phase I. David also said he believed that by exercising the L-8 Reservoir, chlorides will drop within the reservoir over time. Terrie Bates said that last year's Pilot study was successful and that the District learned a lot about how the system will work and collected much useful data. She said they do have plans to go forward with Phase II. She also said, however, that the biggest caveat to the proposed Phase II study will hinge on what happens with the drought in this last couple of months of the rainy season. She said right now Lake Okeechobee is 3.5 feet lower this year than last year and the L-8 Canal is now gravity flowing back into the lake. So, depending on water availability, we may not be able to do Phase II next spring if there is not enough water to send to the river. However, she said SFWMD is supportive of a proposed Phase II. Jay Foy stated the Project is a great project and needs to happen. He said the L-8 Reservoir needs to be exercised and that this proposed Pilot Study needs to be done, whether a good idea or not, to determine if it fails or not.

Adrian Salee asked where else water might be obtained to fill the reservoir. Ken Todd mentioned the possibility of sending water to the reservoir from the C-51 Canal during those times that it does rain during the dry season. He indicated that the current system not set up to do that now, but is an option for discussion. A motion was made by Jay Foy to adopt the resolution as presented and was seconded by Jim Alderman. It was approved unanimously.

VII. Public Comments

Drew Martin said he was concerned about the fertilizer situation. He said he agrees the original fines that were contemplated are too much. He believes a complicating factor will be if each city has their own ordinance. He said a countywide ordinance is a better idea. He said he believes a buffer is a good idea and he encourages the use of composting. He also thinks we should change the landscaping code as sod is the big issue because it is hard to maintain and grow. He believes the answer is moving away from sod to more natural ground covers. He questioned if the ordinance prohibited fertilizer application during rain. The answer from Alan Wertepny was no.

Alex Larson stated she does not fertilize or irrigate her 1.6 acres of land. She believes we need to change people's habits and stop using Floratam sod. She also believes that the L-8 Reservoir is never going to work because she believes it was dug too deep

Patrick Martin indicated LWDD will be the lead agency on the C-51 Reservoir study. He said the District should let LWDD backpump into the L-8 Reservoir from the C-51 Canal right now and quit pushing water to tide via the C-51 Canal. He believes we need to discuss doing a mass balance for the C-51 Canal. He said that since we will be in drought this coming year we should "borrow" water from the C-51 this year for the L-8 Reservoir, if possible. LWDD will volunteer pumps to help accomplish this project and it can be a win-win situation.

Martha Musgrove mentioned that a solution to the problems of the Glades Utility Authority (GUA) needs to come together quickly or it may go to Governor for resolution. She said there are a number of people in Glades that are deeply concerned about the status of the Utility. She believes the County is not thrilled with prospect of taking it over.

VIII. Task Force Member Comments

Jay Foy ask that we add to a future agenda a presentation on land purchases for storage along the Flow-way 1 & 2 routes. He believes we need to have conversation that encourages others to look at mass purchases that could be converted into storage or wetlands treatment He would like to see support given to the acquisition of strategically large parts of land along Flow-way 1 & 2 (by locals, not by SFWMD or ACOE). It was agreed the County's DERM would be the appropriate group to make this presentation. It can be delayed or go on the next agenda.

David Levy asked to have the Loxahatchee River Management Plan from FDEP presented.

Jay Foy also asked to be placed on the agenda to make a presentation on the hydrological cycle. He said the presentation will be on the hydrologic cycle from a water conservation perspective that utilizes conservation of mass.

Jim Alderman asked Task Force to have the Working Group bring back ideas on how to get water from C-51 Canal into the L-8 Reservoir? There was consensus by the Task Force to have a report from the Working Group by the next meeting.

David Levy would like a status presentation at next meeting on the GUA, if possible. He did say we may need to push the Glades Utility Authority issue to a later date because of Agenda timing.

X. Adjournment

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

Next Scheduled PBC WRTF Meeting

**December 15, 2011
1:30 p.m. – 4:30 p.m.
Palm Beach County Utilities Training Room
8100 Forest Hill Blvd.
West Palm Beach, FL 33413
Phone No. 561-493-6000**