



Wekiva River Basin  
Commission

**Commission Meeting**

February 3, 2005

1:30 PM – 5:00 PM

East Central Florida Regional Planning Council  
631 N. Wymore Road, Suite 100  
Maitland, FL 32751

**MEETING SUMMARY**

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**I. CALL TO ORDER AND ROLL CALL**

Sen. Constantine called the meeting of the Wekiva River Basin Commission to order at 1:30 pm. Roll was taken by Ms. Erin Kary. The following Committee members were in attendance:

1. Honorable Lee Constantine, Chair – *Senator, Florida Senate District 22*
2. Honorable James Yatsuk – *Mayor, City of Mount Dora*
3. Mr. Charles Lee – *Senior Vice-President, Florida Audubon Society*
4. Honorable Catherine Hanson – *Commissioner, Lake County BCC*
5. Honorable John Land – *Mayor, City of Apopka*
6. Honorable Steve Wolfram – *Commissioner, City of Altamonte Springs*
7. Ms. Christianne Ferraro for Ms. Vivian Garfein – *District Director, Florida Department of Environmental Protection*
8. Mr. Terry Gilbert for Mr. Dennis David – *Regional Director, Florida Fish and Wildlife Conservation Commission*
9. Mr. George Gilhooley – *District Secretary, Florida Department of Transportation*
10. Dr. Bonita Sorensen – *Deputy State Health Officer, Florida Department of Health*
11. Mr. Thaddeus Cohen – *Secretary, Florida Department of Community Affairs*
12. Mr. David Grovdahl for Mr. Harold Barley – *Executive Director, Metroplan Orlando*
13. Mr. Allan Keen – *Chairman, Orlando/Orange County Expressway Authority*
14. Ms. Jody Lee for Mr. Charles Aller – *Director, Office of Agriculture Water Policy, Florida Department of Agriculture and Consumer Services*
15. Honorable Brenda Carey – *Commissioner, Seminole County BCC*
16. Mr. Gary Johnson – *Executive Director, Seminole County Expressway Authority*

Senator Constantine announced that there was a quorum. He welcomed Commissioner Carey from Seminole County as a new member to the Commission.

Sen. Constantine requested a moment of silence for Ms. Sandra Glenn, who passed away in January 2005.

Sen. Constantine asked if anyone had any changes to the last meeting's minutes. There being none, Sen. Constantine asked for a motion approving the minutes.

**MOTION:** Mayor Yatsuk moved approval; seconded by Mayor Land. The motion to approve the minutes passed unanimously.

Sen. Constantine stated he would review the Wekiva Commission's first Implementation Progress Report, which was provided to members via U.S mail or by e-mail. He briefly discussed each agency's activities since passage of the Wekiva legislation and the status of their efforts to meet their statutory responsibilities. He noted the Progress Report had been submitted to the Governor and Legislature. There were no questions or comments from the Commission members.

## **II. REPORTS/UPDATES**

### **DEPARTMENT OF HEALTH**

Mr. Mark Hooks presented the summary findings of their report developed in response to the requirements of s369.318, FS. He stated that this requirement called for a study of on-site disposal system standards necessary for achieving nitrogen reductions capable of protecting groundwater quality within the Wekiva Study Area.

Mr. Hooks explained that the Department sought to understand what happens with sewage systems and septic tanks. They had undertaken a study at Manatee Springs State Park, looking for sign of nutrients – principally nitrogen – as well as sewage. They used two sites – an upland area and a riverfront site.

For the upland site, there was no indication of germs (human pathogens) in the groundwater, but they did find higher levels of nitrates. For the riverfront site, tests revealed rapid flow toward the river with elevated levels of phosphorous, and in some cases, nitrogen concentrations exceeding drinking water standards. There were few indicators of germs.

Mr. Hooks stated that the Department had examined different disposal system and their costs. A conventional system costs from \$5,500 to \$7,500. A comparable nutrient reduction system costs from \$7,500 to \$9,000. In areas where development densities are low, the overall costs of onsite sewage treatment and disposal systems are less than sewerage.

Based upon their studies, Mr. Hooks explained that the Department had formulated the following recommendations:

- Set a discharge limit of 10 milligrams per liter of total nitrogen for new systems, systems being modified, and for existing systems in the primary and secondary Wekiva Study Area Protection Zones.
- Prohibit the land-spreading of septage and grease trap waste in the Wekiva Study Area.
- Evaluate the economic feasibility of sewerage versus nutrient removal upgrades to existing onsite sewage treatment and disposal systems, with a phased approach for replacing existing systems by 2010.
- Use the concept of a public utility for addressing the issue of septic tank maintenance.

Mr. Hooks then briefly discussed the rule making process, which he anticipated would start in March. The process is outlined by statute, and would involve establishment of an advisory board

comprised of affected parties. This board would be able to introduce issues of importance to them with the intent to offer recommendations to the Department.

Senator Constantine opened up the floor for questions.

Substantial discussion followed with questions from both Commission members and the audience. Mr. Lee asked if a cost comparison had ever been done between sewerage and public installation and maintenance of septic systems. He noted that a quick calculation would suggest some savings to the public, and the benefits to the Wekiva system would be substantial. Mr. Hooks replied they had considered this, noting that for areas with high density development (small lots close together), sewers may be more competitive. However, for large lots, homeowners end up spending a lot of money to support the connecting sewer line. Sewer line is a big expense when it comes to treatment systems. The farther apart the homes are, the more expenses for customers. For low density development, on-site sewage systems work best, but they must be maintained if they are to achieve the same level of treatment.

Commissioner Carey noted that as new mortgages are created, most mortgage companies require you to recertify and inspect the septic tank. She asked if this might not be an appropriate time to upgrade systems in those primary and secondary vulnerability areas. Mr. Hooks replied that it could be, although there is quite a bit of opposition to requiring people to check the septic tanks. There is no requirement mandating that they be checked.

Referring to slide showing rapid downward migration from draining field location, Mr. Lee asked if requirements are imposed in many locations for failed systems. Mr. Hooks replied that the purpose of mounding a drainfield is to remove human pathogens, and sand filtration is very effective in removing pathogens. Mr. Lee followed up by asking if a cost analysis had been done on the conventional mounding exercise and the mounding with the Drip system. A member of the septic system industry replied that there is a 60% field savings on irrigation with the conventional system. He concludes it costs more to go with the Drip system.

On another matter, Commissioner Carey asked about the rulemaking process. Mr. Hooks stated that the rulemaking process is initiated through public notification. Then, committee meetings are held (one in May) to give people time to review the proposal, with follow-up meetings held.

Senator Constantine asked how long the rule making process will take. Mr. Hooks stated it would take about a year. Senator Constantine requested that, as it gets closer to the end, Mr. Hooks brings this issue back to the committee.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Mr. John Arthur discussed briefly the activities of the FDEP and the report submitted to the Governor and the FDCA. He introduced Mr. Jim Cichon to explain the Wekiva Aquifer Vulnerability Assessment (WAVA). Mr. Cichon stated that WAVA is a geographic information system model used to predict the vulnerability of the aquifer system from contamination from the land surface. All GIS input layers are provided digitally, and as information changes, it can be added to the model. He explained that WAVA uses several hydrogeologic data layers to include: soil permeability; karst features; thickness of Intermediate Confining Unit; head difference between surficial aquifer and FAS. The model identified three protection zones, which were used to develop appropriate strategies for large and small treatment systems

Mr. Lee stated that, with regard to slide 9, there appears to be an area of discrepancy on the map showing primary, secondary and tertiary protection zones. He noted that along the Seminole and

Orange County line, there is an abrupt change in protection zones that appears to reflect the county boundaries rather than geologic differences. The Seminole County side shows a higher permeability than the Orange County side. If the feature extends over in Orange, and the only difference is between the methodology or the opinion from one scientist to another, then there is a problem.

Mr. Chicon replied that the map shows only generalized patterns as a way of indicating vulnerability.

Senator Constantine clarified the issue, stating that – for the area directly south of the Wekiva Springs – the area in Orange is very different that what is directly across the county line in Seminole. He further explained that Mr. Chicon is saying even if there is a pattern, the difference is that each county uses a different soil scientist to compute their information. Therefore, it is necessary to obtain the same type of data so we are confident that the pattern shown is the result of consistent information.

Ms. Ferraro then discussed the recommendations contained in the report. The WAVA model provided the following strategies:

- The primary protection zone is the most vulnerable area. The most stringent requirements are found in that zone – no new rapid infiltration basin systems and no new restricted access lines. Also, new water limits. Irrigation systems and package plants is 10mg/liter. No residual land application for this zone.
- Secondary Protection Zone – not as vulnerable as primary, still allow new rapid infiltration basin systems, irrigation systems and package plants is 10mg/liter. No residual land application in this zone.
- Tertiary Protection Zone – meet existing requirements that are in place.

Senator Constantine stated that one of the slides indicated new legislation is needed to adopt and enhance wastewater standards. If this is true, has the Department recommended that to the legislature? Ms. Ferraro responded that it had not at this point. Senator Constantine stated he is not comfortable with requesting new legislation regarding water quality standards since the Department had established this for the past 32 years. Is there a legal memorandum or analysis that backs up the claim that legislation is not needed? Ms. Ferraro replied there was not, but would discuss this issue with Secretary Castille.

#### **ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

Senator Constantine noted that the SJRWMD was not represented but prepared a short summary of their activities, which had been handed out. He asked Mr. Jones to briefly summarize the handout.

Mr. Jones stated that the District staff planned to go the February 8<sup>th</sup> Governing Board to request authorization to begin rulemaking to amend the recharge criteria in Rule 40C-41.063(3), F.A.C. This rule will require that the post-development recharge volume conditions within the Wekiva Study Area to approximate pre-development conditions. The District has contracted for a study to support rulemaking, and the study probably will be completed by June 2005.

## LAND PURCHASES

Allan Keen stated the legislature delegated authority to the Expressway Authority (OOCEA) for the purchase of four (4) parcels, and the Authority met the statutory requirement that negotiations on purchasing the parcels begin prior to December 31, 2004. OOCEA has set up meetings with the property owners or their representatives and is making progress. Also, additional meetings are being scheduled with the State regarding available funding. Seminole Springs seems to be the most difficult parcel, but there has been some discussion. Neighborhood Lakes is the next most difficult, but there has been dialogue, and OOCEA is hopeful to reach a reasonable agreement with them. Lastly, there has been discussion with those representing both Pine Plantation and New Garden.

In about 6 months, OOCEA will possibly be able to announce some activity and some progress that would lead to acquisition. OOCEA does not have the power to bind, only to negotiate and make recommendations as to who should contribute towards funding. A small portion of the funding will come from the Authority, but most of the money is coming from FDEP and the SJRWMD.

Senator Constantine informed the Commission that Broad and Cassell sent a substantial offer to Neighborhood Lakes. He mentioned that the family owning the Seminole Woods property has not been interested in selling the property in the past. However, New Garden and Pine Plantation both are in very serious negotiations with OOCEA. David Brown of Broad and Cassell, who represents OOCEA, feels confident they will soon be able to finalize an agreement. Senator Constantine stated that he was pleased with the substantial progress made relative to purchasing the properties.

In responding to a question concerning the route of the Parkway, Mr. Keen replied that OOCEA is the lead in the PD&E study. The study would examine the route from US441 to I-4. Because of the complexity of the area's land use and other environmental and engineering issues, the study likely will take a year or 18 months to complete.

Commissioner Hanson noted that the longer the study takes, the more valuable the property in the area becomes. This can place Lake County in a difficult position. Transfer of Development Rights (TDR) is in effect for a lot of the area under study and remains an important technique for protecting the area as well as ensuring property rights are protected. Senator Constantine agreed, noting that TDR is a valuable tool for guiding development and suggested that additional receiving areas may be appropriate so property rights of the sending areas are protected.

Mayor Yatsuk asked about the DOT plans regarding SR46, explaining that all entities needed to be involved in its planning given its importance as a conduit onto the Parkway. Mr. Keen replied SR46 was part of the PD&E study.

Mr. Lee stated that there were two related issues he wished to address. The first involved inclusion of Pine Plantation and Scrub area as part of the Ocala-Wekiva Greenway. He referenced the excellent resolution adopted by Mt. Dora encouraging FDEP and the ARC Committee to take this action, and he requested the Commission follow suit. Mayor Land asked for clarification regarding the location of the scrub area, wondering if it was the area commonly known as the Sorrento Scrub. Mr. Lee replied in the affirmative.

**MOTION:** Mr. Lee moved that the Commission recommend to the DEP and the ARC Committee expansion of the size of the Ocala-Wekiva Greenway to include the Pine Plantation and Scrub area. The motion was seconded by Mayor Yatsuk.

Senator Constantine stated there was a motion. He was concerned that there was not a map, but since this was just a recommendation to the DEP and ARC Committee, it was probably fine. He stated that as long as everyone had a general idea of the area, he thought we could proceed. The motion passed unanimously.

### **III. SENATE BILL 1214 - GLITCH CORRECTIONS PROPOSAL**

Senator Constantine stated he had requested Mr. Varn to draft changes to the Wekiva legislation that corrected a number of typos and minor inconsistencies in the *Wekiva Parkway and Protection Act*. He asked Mr. Varn to review the proposed changes.

Mr. Varn explained that the first change related to that section of the legislation dealing with Master Stormwater Management and Waste Facility Plan requirements. He noted the new requirements were intended to apply only to the jurisdictions within the Study Area, and the changes clarified the existing language.

The second change related to the requirement for all the local governments hosting interchanges to have an interchange land use plan by a time certain. The time has been changed to reflect the sequence of events in the design of the Parkway so that the interchange plans are due one year after those the locations have been identified.

The next change amends the due date for water facility supply work plan to December 1, 2006, and there also was a need to correct the name of the East Central Florida Regional Planning Council.

The last change clarified DCA's review responsibilities for plan amendments less than 10 acres in size. The proposed change would exempt these amendments, consistent with current language in the Chapter 163, F.S. Mr. Lee questioned if this was a glitch change or substantive change. He stated he would rather have us leave it as it because 10 acres in the wrong place or an accumulation of 10 acre changes in the Study Area could be problematic. He stated his preference was to leave the language as is to provide a safeguard. Commissioner Hanson, speaking for Lake County, had no objections to the proposed change. She did not see the exemption as a problem.

Senator Constantine stated this had not been specifically discussed in the past and there have not been a lot of small changes in the area. He thought it was important to put our faith and trust in local government's desire to make this process work and therefore believed the change did not pose a problem.

Mayor Land moved to approve the changes. The motion was seconded and passed unanimously.

### **IV. PUBLIC COMMENTS**

Senator Constantine announced time for public comment.

Bob Morrell questioned whether the wastewater recommendations were technology based or water-quality based. Ms. Ferraro responded that the recommendations are based upon the technology.

John Omana, City of Lake Mary, listed two issues regarding the current boundaries of the glitch bill:

1. Boundaries of Wekiva area runs through the middle of buildings and residential homes. These areas are well developed.
2. The area drains to the Lake Jessup, which provides an easterly flow for run-off drainage.

Senator Constantine mentioned that the boundaries were established a long time ago and that 1214 would have to be amended. He stated that unless there was a really good reason for the change, those boundaries were set.

Commissioner Manning from the City of Eustis stated they had been requesting funding for a long time. She wanted to know why Altamonte Springs was receiving funds to help with their expenses and Eustis was not. Senator Constantine stated his intent was to see that the DCA, DEP, the Regional Planning Council, and others work in cooperation with all the cities so that as much of that expense that can be regionalized will be done.

Mr. Lee asked if it was possible to have a calendar of future meeting dates so that members could work around them. Senator Constantine stated he would try to put some future meeting dates together for the next meeting. He stated he wanted to remain flexible, but that he is sticking to the time tables.

Mr. Lee suggested there be more meetings. Senator Constantine stated there would be a quarterly meeting in May, at which time the Commission would have this discussion.

Additional comment was provided by Bob Adolphe, Sarah Whitaker, Tanner Scholfield, Blanche Hardy, Jennifer McMurtray, Keith Shue and Alex Bunker.

## **V. ADJOURNMENT**

Senator Constantine announced the meeting was adjourned at 4:00 pm.