



**Wekiva River Basin  
Commission**

**Wekiva River Basin Commission Meeting Minutes  
June 10, 2013  
1:30 PM**

East Central Florida Regional Planning Council  
309 Cranes Roost Blvd. Suite 2000 Altamonte Springs, FL 32701

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**1. Call to Order and General Business**

The meeting was called to order by Chairman Constantine at 1:35 p.m. Ms. Tara McCue called roll and announced there was a quorum. The following members were in attendance:

**Chairman Lee Constantine** – Chairman

**Mr. Charles Lee** – Senior Vice President, Florida Audubon Society

**Mayor John H. Land** – Mayor, Apopka

**Commissioner Steve Wolfram** – Commissioner, Altamonte Springs

**Ms. Michelle Maikisch for Mr. Max Crumit** – Executive Director, Orlando/Orange County Expressway Authority

**Mr. Tony Matthews for Mr. Brett Blackadar** – Seminole County Expressway Authority

**Mr. Jody Lee** – Florida Department of Agriculture & Consumer Services

**Mr. Bart Harriss for Mr. Gerald Briggs**

**Mr. Alan Hyman for Ms. Noranne Downs** – District Secretary, Florida Department of Transportation

**Ms. Shannon Wright** - Regional Director, Florida Fish and Wildlife Conservation Commission

**Mr. Jeff Prather** – District Director, Florida Department of Environmental Protection

**Mr. Casey Fitzgerald for Mr. Hans Tanzler** – Executive Director, St. John's River Water Management District

**Mr. Harold Barley** – Executive Director, Metroplan Orlando

Chairman Constantine called for a motion to approve the meeting minutes from February 13, 2013. A motion was made by Mayor Land and seconded by Mr. Charles Lee. The motion was passed unanimously.

**2. Discussions of Key Reporting Timelines and Legislative Report**

**Legislative Report** – *Mr. Charles Lee*

Mr. Lee provided an update on the Legislative Report. The proposed change of the composition of the OOCEA into a larger agency did not rise within the legislation and the OOCEA remains in its current capacity.

Mayor Land provided an update concerning the C&D Dump on Golden Gem Road. On June 4<sup>th</sup>, a final decision was made in Orange County against the land use change. The vote was 4-3. Discussion continued concerning the two votes of the Orange County Commission, the role of FDEP and the importance of decisions concerning facility placement and compatibility on a local level. (See attachment letter from Charles Lee).

**Florida Dept. of Economic Opportunity, Adoption of Comprehensive Plan Amendments and Land Development Regulations Pursuant to Recommendations 14 of the Final Report – Mr. James Stansbury**

No update this month.

**Florida Department of Environmental Protection, Establishment of Total Maximum Daily Loads Pursuant to Recommendation 6 of the Final Report – Mr. Jeff Prather**

Mr. Prather reported that the draft Best Management Practices (BMP) were under review in the Secretary's Office along with public comments. The Secretary will consider adoption by next meeting.

**Florida Department of Health, Rulemaking Activities on On-Site Disposal Systems Treatment Standards Pursuant to Recommendation 9 of the Final Report – Mr. Bart Harriss**

An additional \$700,000 has been approved for the budget for the year to complete years 4 and 5 of the nitrogen study. They had a lot of success with filters and systems at the test center in Tampa. Results have shown up to 95% reduction with 2.6 mg/L. The Department is installing 10 full scale systems in state with up to five being installed at this time; three of those will be on Markham Woods Road in the next week. Testing will be done during the year and the report should be complete by January 15, 2015.

Mr. Fitzgerald asked if that is all the funding needed. Mr. Harriss responded that they may have to request additional appropriations. The total cost for the study was \$5.1 million and is currently fully funded.

Discussion took place concerning the development of the final report which will be submitted to legislature by January 15, 2015.

Chairman Constantine provided opportunity for public comment:

Mr. Gino Ratti asked a question regarding the filters and if they are on retention ponds? Mr. Harriss stated the filters they are talking about right now are installed in a test facility in Tampa. It's called a two-stage bio filter which filters the effluent and they will be installed in the ground. These are for home septic systems, additional filters or drain fields and are located in the system after the tank and drain field.

Mr. Gino Ratti then asked if anyone tested the water under the drain field. He doesn't believe there will be any nitrogen under the tank. Mr. Harriss responded that there will be numerous testing spots.

Mr. Casey Fitzgerald responded that there have been studies of that sort and the information can be provided to Mr. Ratti.

### **3. Current Agency Activities and Legislative Report**

#### **Florida Department of Agriculture and Consumer Services – *Mr. Jody Lee***

Mr. Jody Lee discussed the failure of the fertilizer preemption efforts in the legislature. Mr. Lee discussed how the fertilizer industry, and others, has concerns about the consistency of local ordinances as there are about 50 statewide. The main issue is the blackout period. Other states have local ordinances but no blackout period. Mr. Lee discussed how IFAS has indicated that the blackout period is during the growing season when grass really needs the fertilizer, which, if not applied, leads to a weakened root system and more leaching in the fall. The issue at hand is trying to work with local governments and educate on how to use fertilizer and BMPs.

Discussion continued on landscaping, draught-tolerant vegetation/plants, and water withdrawal for irrigations and fertilizers. Mayor Land talked about the prize Apopka gives for the best xeroscape award.

Chairman Constantine stated that agriculture is vitally important to Florida and discussed how the education and standards between agriculture and private citizen's use of fertilizer is different. He stated that as we start a new housing boom, we need to determine what we are doing with those homes and how we are going to minimize the use of fertilizer for private citizens and recreation.

Mr. Jody Lee discussed how the Soil & Water Conservation District (SWCD) has evolved from only an agriculture focus. The Agency is working with them on education for urban areas. Discussion continued on enforcement, education, and the enrollment of agriculture, primarily cattle, cow/calf operations to the east of Wekiva to Plymouth, down to Clermont and back to Apopka in the BMPs as per the Wekiva recommendations. While most of the nurseries are already enrolled, there will be a big push in the next year to year and a half by DEP to enforce enrollment in BMPs in the lower basin.

#### **St. Johns River Water Management District – *Mr. Casey Fitzgerald***

Mr. Casey Fitzgerald gave a presentation on the spring protection initiative.

Mr. Jody Lee asked if any legislative money designated for the lower St. Johns was discussed for agriculture projects.

Mr. Fitzgerald stated that Sen. Thrashers' proposal was three-fold, which did not include agriculture projects:

- 1) Economic Study of the value of the St. Johns River
- 2) Shad Harvest in Lake George
- 3) Spring Protection

Mr. Quentin from the public asked Mr. Fitzgerald to explain what is meant by biological interaction?

Mr. Fitzgerald provided an example of the interconnectivity of the spring run, apple snail, algae, and how if you lose the apple snail, the algae builds up on the grass, the grass dies because of the lack of sunlight and the whole system is affected. He discussed the possibility of a pilot project in a spring to reintroduce the snail in quarantined areas.

Discussion continued concerning studies that have removed animals to decrease pollutants which occurred mostly in surface waters that do not reach spring fed waters.

Mr. Scott Taylor asked if, in the work of the SJRWMD, there is any thought to reviewing the paradigm of issuing CUPs in reference to rainfall and restrictions.

Mr. Fitzgerald stated that the review of permits looks at new data and minimum flows and levels. He noted that if the level gets violated, we'll need to go into recovery mode. For the Wekiva Agency, efforts are on prevention or recovery which may require holding back on groundwater withdrawal.

#### **Florida Department of Transportation – Mr. Alan Hyman for Ms. Noranne Downs**

Mr. Alan Hyman gave a presentation on the Wekiva Parkway Aesthetics Plan. Handouts of the presentation were provided.

Chairman Constantine addressed the approval of the recommended alignment by the Lake County Commission by a vote of 3-2. Discussion continued in regards to the intersection conditions and the process undergone to determine the intersection configuration. FDOT may now move ahead into the design phase. The intersection is still a "T" intersection and the decision only represented the configuration of the intersection. Chairman Constantine asked to have Ms. Downs bring the "Bow Approach" depiction to the next Commission Meeting. Each County has approved specific alignments.

Chairman Constantine called upon Mr. Scott Taylor to discuss the main concerns of the alignment in Lake County. Mr. Taylor discussed the four alternatives that were provided for the intersection.

Chairman Constantine asked for a review of the entire alignment as approved be presented at the next meeting.

#### **Orlando/Orange County Expressway Authority – Ms. Michelle Maikisch for Mr. Max Crumit**

Ms. Maikisch gave an update on the progress of the Wekiva Parkway. Ms. Maikisch stated that Mr. Hyman provided a handout with updates for each section of the Parkway and all five of OOCEA sections are under design. Section 1a and 1b, which joins the recently opened section of the John Land Expressway, should be under construction in 2015 and completed in 2016.

A kick off meeting will be held July 12<sup>th</sup> at Wilson's Landing. Other upcoming meetings: June 11<sup>th</sup> at Rock Church Central Florida on SR 46 at 6 pm; Section 6 Wekiva River Crossing Workshop next week; Bridge Design Charrettes later this summer.

**Florida Fish and Wildlife Conservation Commission – Ms. Shannon Wright**

Ms. Wright noted that on sections 3a, 3b, 5, 6, 7a wildlife surveys are ongoing. Sections 4a and 4b Gopher Tortoise relocation is complete and the burrowing owls have re-nested in the northern project area with 50-foot buffers established around the owl burrows. A monitoring camera has been set up. FWC had issued a permit for the removal of the burrows now that nesting season is over and the burrows will be scoped prior to removal. Starter burrows have been set up outside the project area.

**4. Other Business**

Efforts to fill and reappoint the Wekiva River Basin Commission appointments were discussed.

**5. Public Comments**

No additional public comments.

**6. Future Meeting Dates**

The next meeting will be scheduled in October. There will be a complete and comprehensive report from Altamonte Reclaimed Water Project.

**7. Adjournment**

Chairman Constantine adjourned the Wekiva River Basin Commission Meeting at 3:15 pm.

Attachment from Charles Lee:

Sent to WRBC on 6/5/2013:

By a 4-3 vote, with Commissioner Fred Brummer and Orange County Mayor Teresa Jacobs leading the charge, the Orange County Commission said no to 7 waivers and special exceptions that would have been necessary to expand a landfill in the Wekiva Springshed.

Hubbard Construction and Mid Florida Mining & Materials (a Hubbard subsidiary) wanted to convert an old Construction and Demolition Material landfill on Golden Gem Road to a Class III facility which could accept everything except household garbage. Hubbard promised the moon in terms of apparent environmental safeguards. However, a majority of the Orange County Commission saw through the rhetoric and detected the fact that the liners would be discontinuous, would only be placed on part of the site, would be only a “cap” on other parts of the site, and that the cap liners would not be installed for many years. Finally, they saw that the attempt to fit the old C&D landfill with liners would merely dump the leachate water back into the aquifer through the retention pond system on the site.

Commissioner Fred Brummer pointed out that there was another Class III landfill with 40 years of capacity at Keene Rd. just 7 miles away, which has a full liner & leachate control system.

The City of Apopka strongly opposed the landfill and presented testimony to the County Commission, delivered by City Commissioners Joe Kilsheimer and Tallahassee attorney Dan Stengel.

Regardless of a county staff recommendation of approval and DEP approval of permits for this site, a majority of the Commission saw the importance of enforcing the presumptive prohibition on new landfills and landfill expansions in the Wekiva Area.

A good day for the Wekiva!

Charles Lee  
Audubon Florida