



Wekiva River Basin Commission

IMPLEMENTATION PROGRESS REPORT

DECEMBER 2012



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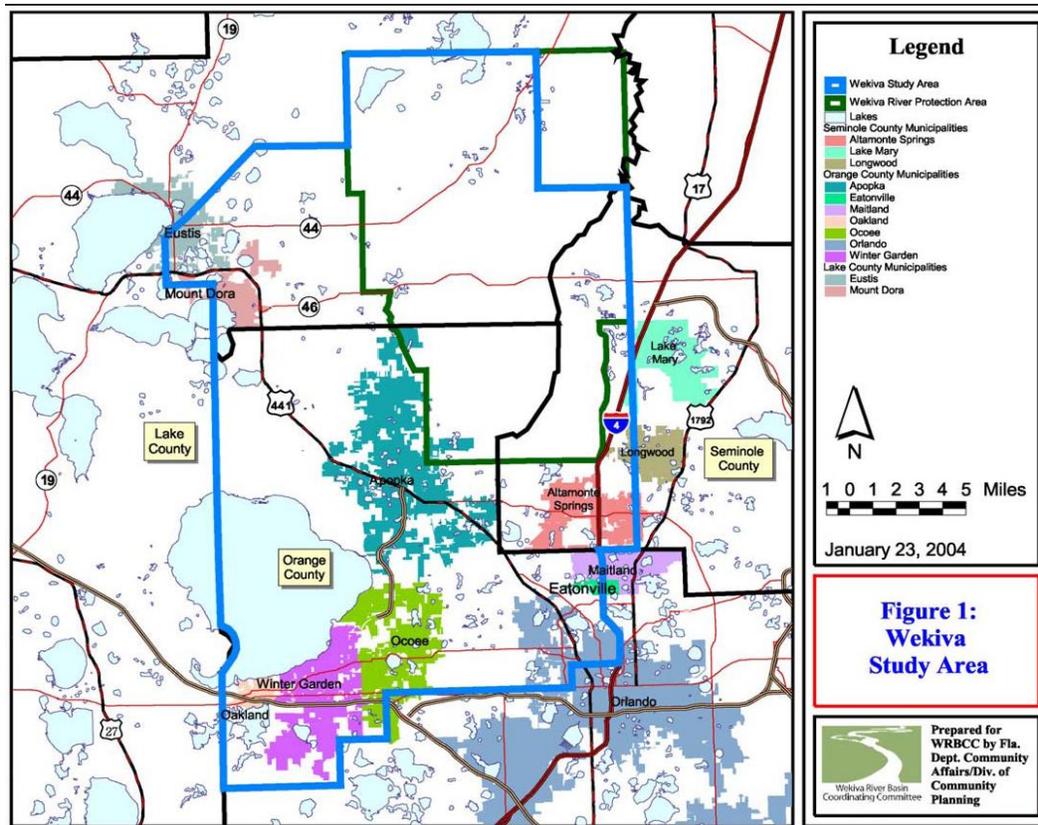
INTRODUCTION

BACKGROUND

Governor Bush signed the Wekiva Parkway and Protection Act (Chapter 2004-384, Laws of Florida) into law on Tuesday, June 29, 2004, at Wekiwa Springs State Park in Apopka. The law implements the recommendations of the Wekiva River Basin Coordinating Committee and authorizes designing and building the Wekiva Parkway, completing the beltway around Orlando while ensuring the protection of the Wekiva River system.

Over a six-month period, the Wekiva River Basin Coordinating Committee discussed the best way to protect the fragile spring-fed Wekiva River Basin while ensuring regional transportation, growth management and water resource needs are met. The Committee used a regional collaborative approach to produce consensus recommendations that focus and coordinate agency and local government activities to bring a higher level of planning and springs protection to the Wekiva River Basin. This regional and collaborative method for growth management planning has become a model that is being implemented in other areas of the State. The Committee was also responsible for delineating the Wekiva Study Area.

Figure 1 – Wekiva Study Area



An appropriate portion of land area that contributes surface and groundwater to the Wekiva River system was the criteria used to create the Wekiva Study Area. There are 15 local governments included in the Wekiva Study Area: Orange County and the municipalities of Maitland, Eatonville, Orlando, Ocoee, Winter Garden, Oakland and Apopka; Seminole County and the municipalities of Lake Mary, Longwood, and Altamonte Springs; and Lake County and the municipalities of Eustis and Mount Dora.

The Wekiva Parkway and Protection Act authorized the Orlando-Orange County Expressway Authority (OOCEA) to act as a third party acquisition agent on behalf of the Trustees of the Internal Improvement Trust Fund and the St. Johns River Water Management District (SJRWMD) to acquire three parcels of land identified by the Committee to provide buffer areas along the Parkway corridor. Acquisition of these parcels was to begin no later than December 21, 2004, and be completed no later than December 31, 2010. The OOCEA is authorized to construct and finance the Wekiva Parkway and an associated connector road.

Required studies and regulatory measures designed to protect the natural resources of the Wekiva Study Area include:

- The *Florida Department of Environmental Protection* (FDEP) requirement to prepare a study on Water Quality and Wastewater Standards by December 1, 2004. Based on the results of the study, the Department was to initiate rulemaking by March 1, 2005, or recommend additional statutory authority to achieve nitrogen reductions protective of the surface and groundwater quality of the Wekiva Study Area; and establish Total Maximum Daily Loads by December 1, 2006.
- The *Florida Department of Health* (FDOH) requirement to prepare a study on On-site Disposal Systems Treatments Standards and Implementation of Septic Tank Maintenance and Inspection Program by December 1, 2004. Based on the results of the study, and if deemed necessary, the Department was to initiate rulemaking by March 1, 2005, or recommend additional statutory authority to address nitrogen reduction through appropriate on-site disposal standards.
- The *St. Johns River Water Management District* (SJRWMD) requirement to initiate rulemaking for pre- and post-development standards for stormwater and consumptive use thresholds by March 1, 2005; establish Pollution Load Reduction Goals for the Wekiva Study Area by December 1, 2005; and update minimum flows and levels for Rock Springs and Wekiwa Springs by December 1, 2007.
- The *Florida Department of Community Affairs* (FDCA) and the SJRWMD were to coordinate and ensure the adoption of comprehensive plan amendments by January 1, 2006, and land development regulations by January 1, 2007, which

address stormwater, wastewater and land use issues as they relate to the Wekiva Study Area.

- The creation of a 19-member *Wekiva River Basin Commission* appointed by the Governor, to monitor and ensure implementation of the recommendations of the Wekiva River Basin Coordinating Committee. The East Central Florida Regional Planning Council is charged with providing staff support.

2012 IMPLEMENTATION ACTIVITIES

The Wekiva River Basin continued its work through 2012 to complete the remaining recommendations of the Wekiva River Basin Coordinating Committee. Some highlights:

- FDOT and OOCEA began the Design and Build process for the Wekiva Parkway.
- Significant advancement towards the consolidation of Consumptive Use Permits and Environmental Resource Permits by the SJRWMD and FDEP.
- The FDEP implemented the updated wastewater permits to reflect new annual limits.

REPORT FORMAT

This report describes the progress made by the Wekiva River Basin Commission during 2012 in ensuring the implementation of the recommendations of the Wekiva River Basin Coordinating Committee. The Committee's Final Report outlines seventeen (17) recommendations related to construction of the Wekiva Parkway and protection of the Wekiva River Basin's natural resources. This document reports the progress made on each recommendation during the year. The corresponding portion of the Wekiva Parkway and Protection Act is noted for those recommendations with an associated statutory requirement.

PROGRESS TOWARD MEETING RECOMMENDATIONS OF THE WEKIVA RIVER BASIN COORDINATING COMMITTEE

RECOMMENDATION 1 – WEKIVA PARKWAY PLANNING AND DESIGN

Section 369.317 (1-5) of the *Wekiva Parkway and Protection Act (Wekiva Act)* provides for construction of the Wekiva Parkway consistent with proposed corridor and design guidelines identified in Recommendation 1 of the *Wekiva River Basin Coordinating Committee Final Report*. This effort is co-managed by the OOCEA and FDOT.

The OOCEA initiated the Project Development and Environmental (PD&E) study for the Parkway in January 2005, collecting data and performing background studies necessary for examining suitable alignments and potential community and environmental impacts. Federal standards for conducting the study are being followed, which will preserve the right to use federal funds for right-of-way (ROW) acquisition and construction. In 2007, the PD&E Study presented the recommended alignments, and then moved into a succession of public meetings to possibly refine the alignments to address community concerns in Orange, Lake, and Seminole Counties.

Coordination with the Federal Highway Administration and the State Historic Preservation Office continued throughout 2008, 2009 and most of 2010 in order to address the historic resources in the project corridor. In 2009, a feasibility study was undertaken by FDOT to determine the feasibility of a trail to be located in conjunction with the Parkway. The study was finalized in 2010.

During 2009 and 2010, the FDOT and Expressway Authority continued to work with cities and counties to address specific concerns with the parkway interchanges and other engineering issues, as well as discussions on parkway funding options between FDOT and the Expressway Authority. On December 17, 2009 a public meeting was held in Sorrento to discuss a service road concept for East Lake County. In early 2010, after further coordination with stakeholders, the service road was incorporated into the preliminary design concept.

The Florida Department of Environmental Protection, Department of Agriculture and Consumer Services Division of Forestry provided FDOT and the OOCEA signed Section 4(f) concurrence letters for the Wekiva Parkway and the Programmatic Section 4(f) Evaluation for Public Lands was accepted by FHWA. The Draft Section 106 Case Study for two historic resources was sent to the State Historic Preservation Office for review and comment. In October 2011, Section 106 was approved by the State Historic Preservation Office and accepted by the FHWA.

In August 2010, FHWA approved the Environmental Assessment document for public availability, allowing public hearings to be scheduled by FDOT and OOCEA. Public hearings were held on October 26 in Apopka, October 27 in Mount Dora, and October

28 in Sanford. The public comment period, after the public hearing, closed on November 8, 2010. Some key points noted during the hearings included:

- Number of alignments considered (52 in Orange County, 10 in Lake County, and 6 in Seminole County)
- Final Recommended Alignments
- Cross sections of roadway
- Next steps

In August 2010, Seminole County Board of County Commission, the Seminole County Expressway Authority, and the Lake County Board of County Commission approved interlocal agreements with the OOCEA enabling the Expressway Authority to build, operate and maintain the Wekiva Parkway. The Seminole County Expressway Authority has the final determination of the alignment through Seminole County.

In 2011, the OOCEA conducted a Financial Forecast Plan to provide numbers such as traffic generated, where to put toll plazas, revenue generated and other factors for the next 40 years. The numbers are then used to run models to determine the economic viability to build a project. This is the beginning step for modeling needed to meet bond covenants.

Negotiations concerning a funding plan for the Wekiva Parkway took place between the OOCEA and the FDOT during 2012. The funding plan MOU was approved by the boards of OOCEA, Metroplan Orlando, and Lake Sumter MPO and FDOT.

In 2012, FDOT began the process of design and build. By the end of 2012, segments of the parkway were in different stages of the process. As of the last Commission Meeting in October 2012: Sections 4a and 4b should have construction permits in December with the following permit activity: Army Corp of Engineering permit obtained; DEP issued a draft permit with the intent to issue; Gopher Tortoise and Burrowing Owl Permits in process. Other parkway section statuses are as follows: Sections 3A and 3B have been advertised, Section 5 is in presentation phase, and Section 6 and Section 7A have been selected. The interchange with I-4 will be the last section to move forward.

As of October 2012, the OOCEA segments are all in the design phase with one section in negotiations. Parkway design is anticipated to take approximately 18 months.

The following steps required for finalization of all alignments for the Parkway have been accomplished:

- Receive approval from the Orlando-Orange County Expressway Authority Board;
- Gain Federal Highway Administration (FHWA) approval;
- FDOT and FHWA approval of SR 417/I-4 Interchange Modification Report;

- Gain State Historic Preservation Office approval;
- Complete the Engineering and Environmental Documents; and
- Schedule and hold public hearings.

Below are updates for these requirements for full authorization of the Parkway.

SECTION 106 AND SECTION 4(F) FOR HISTORIC RESOURCES

- **Memorandum of Agreement (MOA)**

OOCEA and FDOT prepared the Memorandum of Agreement (MOA) in June 2011 to address mitigation of impacts to two Section 106 historic resources. After review and concurrence, FHWA and the State Historic Preservation Officer (SHPO) executed the MOA in July 2011.

- **Section 106 Case Study**

After the MOA was executed, OOCEA and FDOT prepared the final Section 106 Case Study of the two historic resources for review by the SHPO and FHWA. The SHPO signed the sufficiency and concurrence form on October 18th, 2011. The revised final Section 106 Case Study was submitted to FHWA on November 17th, 2011 and approved.

- **Individual Section 4(f) Evaluation**

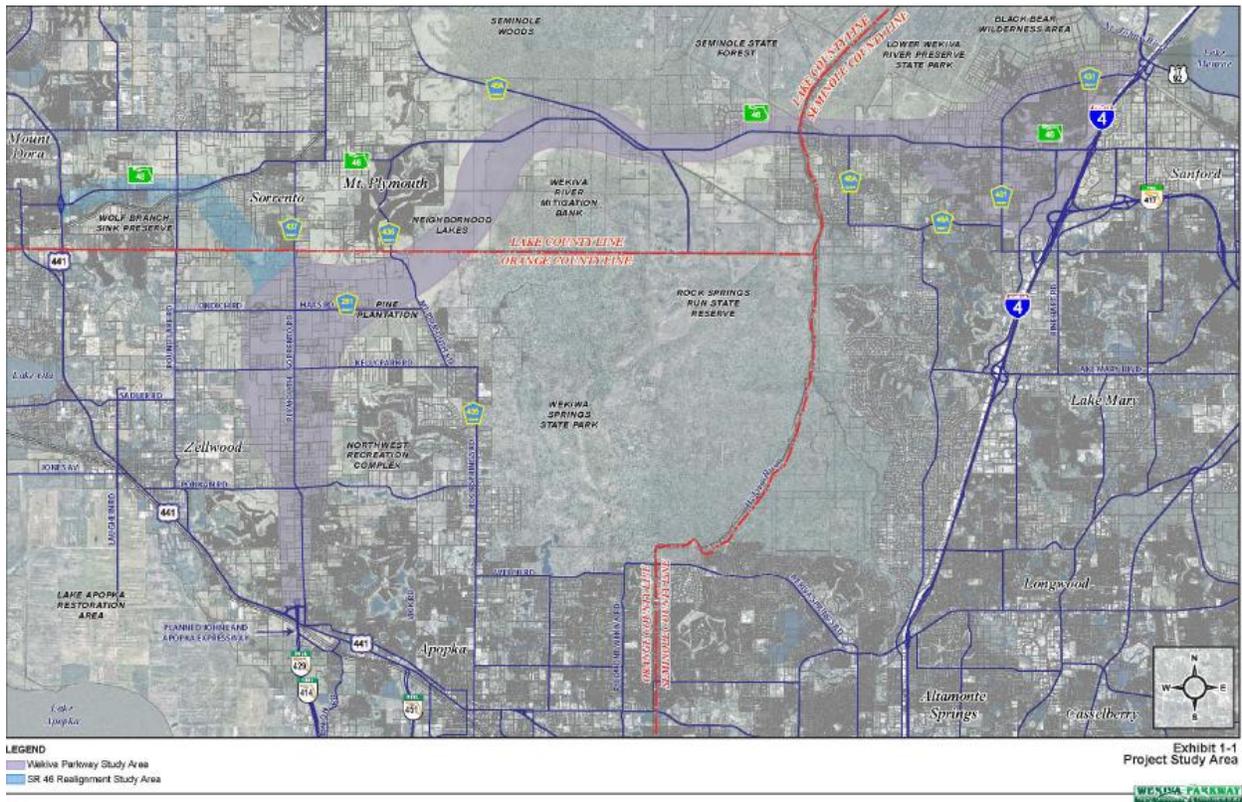
After receipt of SHPO concurrence, OOCEA and FDOT completed the final draft Individual Section 4(f) Evaluation for the two historic resources. The final draft document was submitted to FHWA on November 29, 2011, the final Individual Section 4 (f) was delivered in March 2012 and was approved and signed on May 11, 2012.

ENVIRONMENTAL ASSESSMENT (EA)

- **EA and Finding of No Significant Impact (FONSI)**

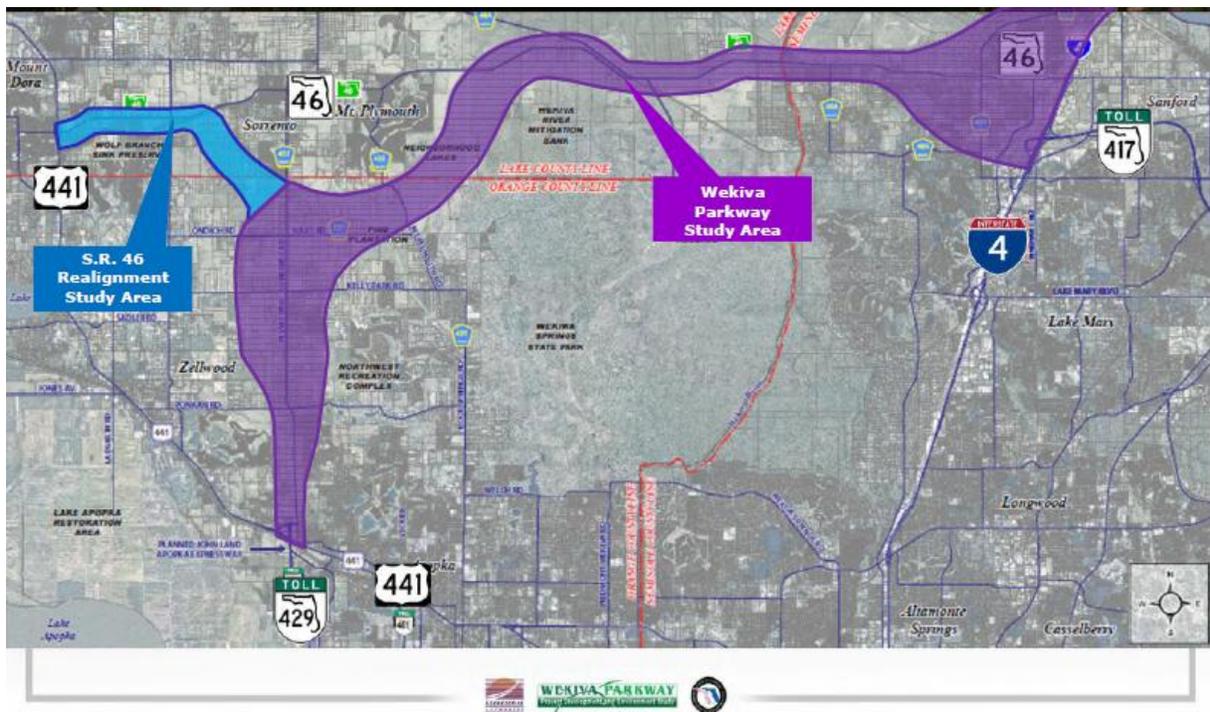
OOCEA and FDOT revised the noise study information in the EA to meet new Federal requirements and preparing the draft FONSI. The EA and the FONSI was submitted to FHWA and approved in May 2012.

Figure 2 – Project Location Map



OCEA and FDOT

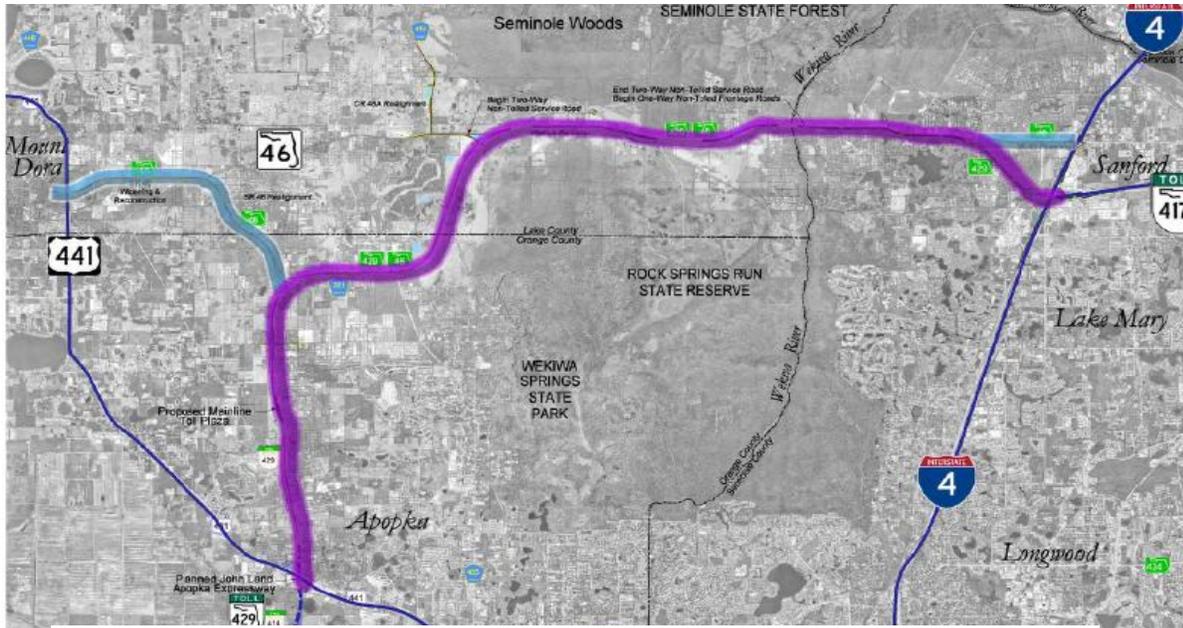
Figure 3– Project Study Area



OCEA and FDOT

Figure 4, below, depicts the proposed build alternative developed as a result of the studies and input from stakeholders. The figures that follow are more detailed representations of various segments of the parkway project.

Figure 4– Proposed Build Alternative (2010)



OCEA and FDOT

The project begins in Orange County at the SR 429 and US 441.

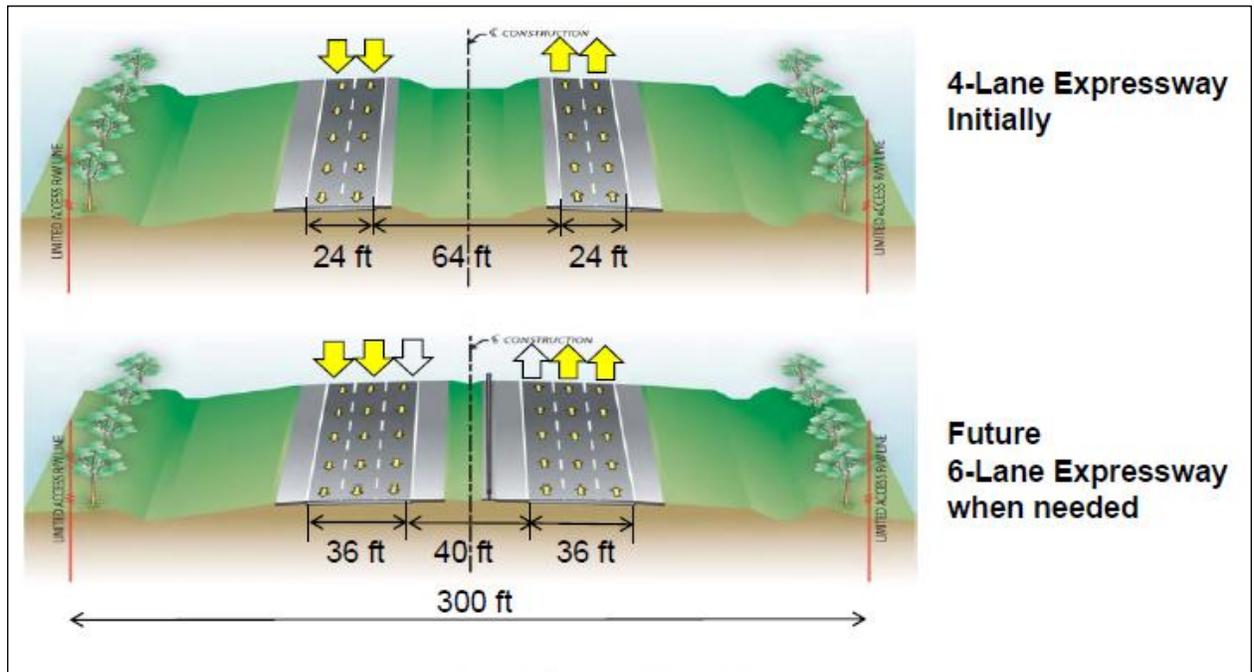
Figure 5– U.S. 441 Interchange in Apopka



OCEA and FDOT

Figure 6 describes the initial 4 lane expressway from U.S. 441 north to Lake County with the future expansion to a 6 lane expressway when needed.

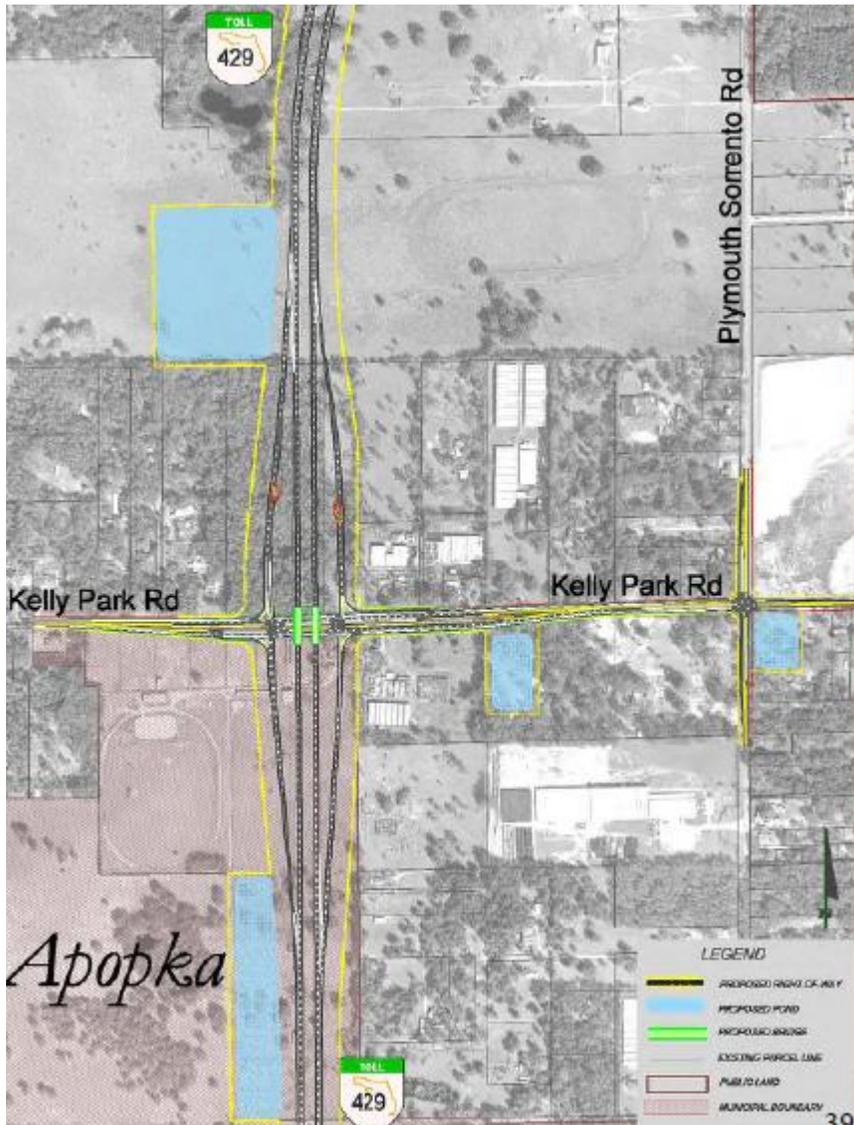
Figure 6– Parkway Cross-section from U.S. 441 north to Lake County



OCEA and FDOT

Kelly Park road is the recommended placement for an interchange. This recommendation is supported by the City of Apopka.

Figure 7 – Orange County, Kelly Park Interchange



OOCEA and FDOT

The Systems Interchange is located in the proximity of Plymouth Sorrento Road and Ondich Road as shown below in Figure 8. At this location, SR 429 (Wekiva Parkway) will continue to the east toward Seminole County.

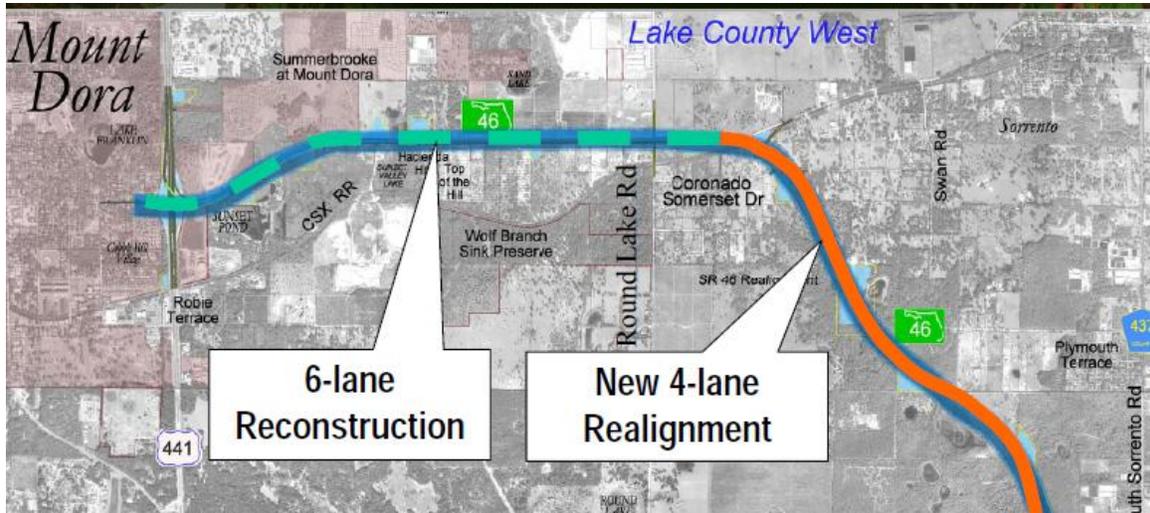
Figure 8 – Orange County, Systems Interchange



OOCEA and FDOT

In west Lake County, SR 46 is recommended to be widened to six lanes divided from US 441 to east of Round Lake Road with a new 4 lane realignment from east of Round Lake Road to the systems interchange.

Figure 9 – Lake County West, Recommended Preferred Alternative



OOCEA and FDOT

The interchange between SR 46 and U.S. 441 will be redesigned

Figure 10 – Lake County West, U.S. 441/S.R. 46 Interchange in Mount Dora



OOCEA and FDOT

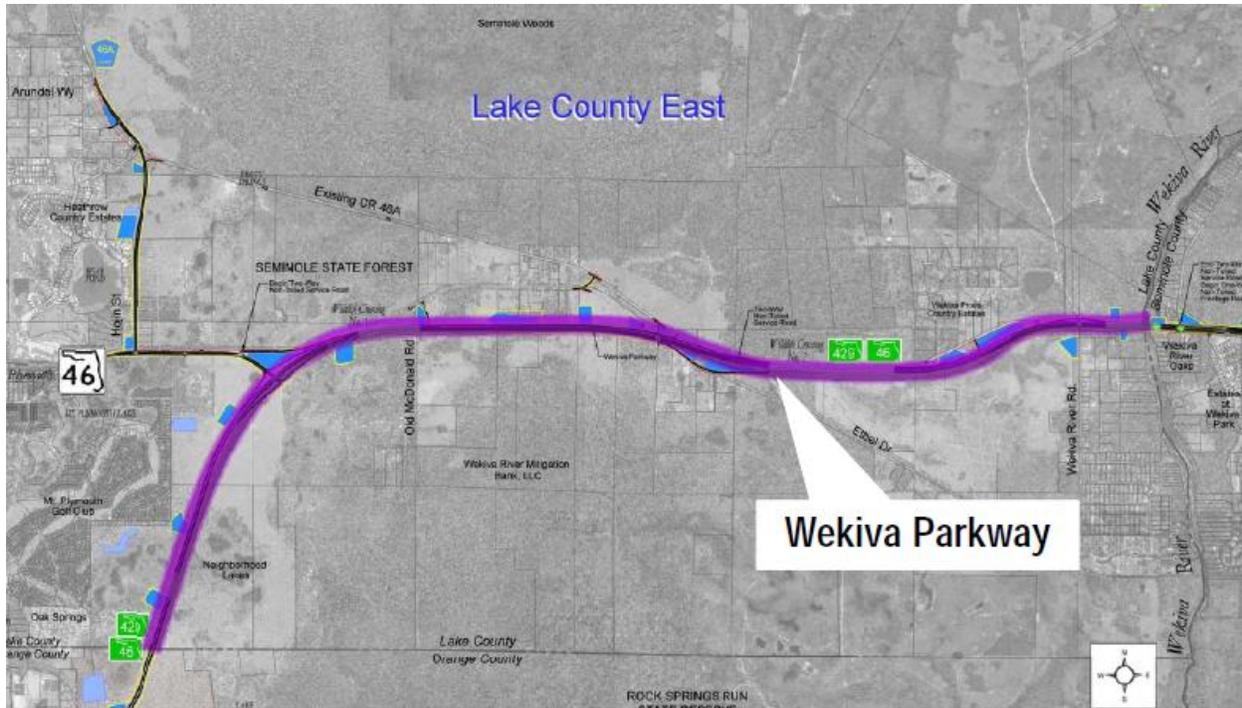
Figure 11 – Lake County West, S.R. 46 Transition East of Round Lake Road



OOCEA and FDOT

In the eastern portion of Lake County, the recommended preferred alignment is depicted below in Figure 12. From Orange County to the Neighborhood Lakes Interchange, the Parkway will be a four lane expressway, expandable to 6 lanes when needed. From Neighborhood Lakes interchange to east of the Wekiva River, the parkway will also be four lanes, expandable to 6, however, a service road will be located in conjunction with this segment (Figure 13).

Figure 12- Lake County East, Recommended Preferred Alternative



OOCEA and FDOT

Four bridges will be associated with the Wekiva Parkway:

- Two wildlife bridges
- Floodplain Bridge
- Wekiva River Bridge

Figures 13 – Wekiva Parkway Bridge Crossings



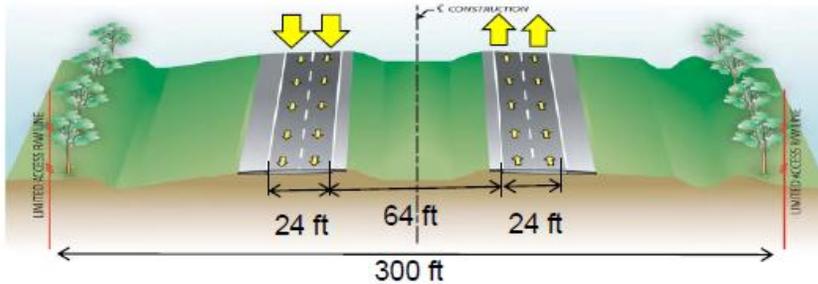
OOCEA and FDOT

In March, April and July 2011, OOCEA and FDOT conducted three conceptual bridge design charettes with the National Park Service (NPS), the Wekiva River System Advisory Management Committee, the Federal Highway Administration (FHWA) and other stakeholders. This charette process was necessary in order to obtain NPS Section 4(f) concurrence for the Wekiva River bridges. On October 7th, NPS provided full Section 4(f) concurrence subject to an ultimate Section 7(a) determination (under the Wild & Scenic Rivers Act) during final design.

After receipt of NPS Section 4(f) concurrence, OOCEA and FDOT completed the final draft Programmatic Section 4(f) Evaluation for the Wekiva Wild & Scenic River and submitted the document to FHWA on November 8th.

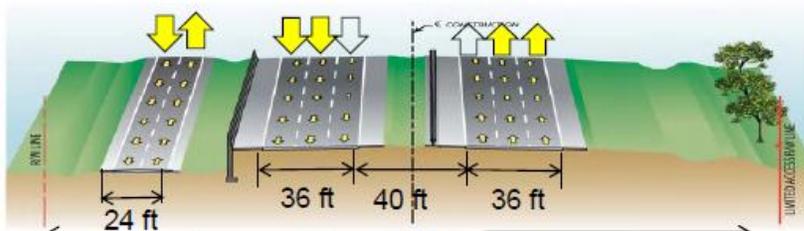
Figures 14 – Wekiva Parkway Cross-Sections

From Orange County to Neighborhood Lakes Interchange



4-Lane Expressway Initially (Expandable to 6-Lanes when needed)

From Neighborhood Lakes Interchange to east of Wekiva River

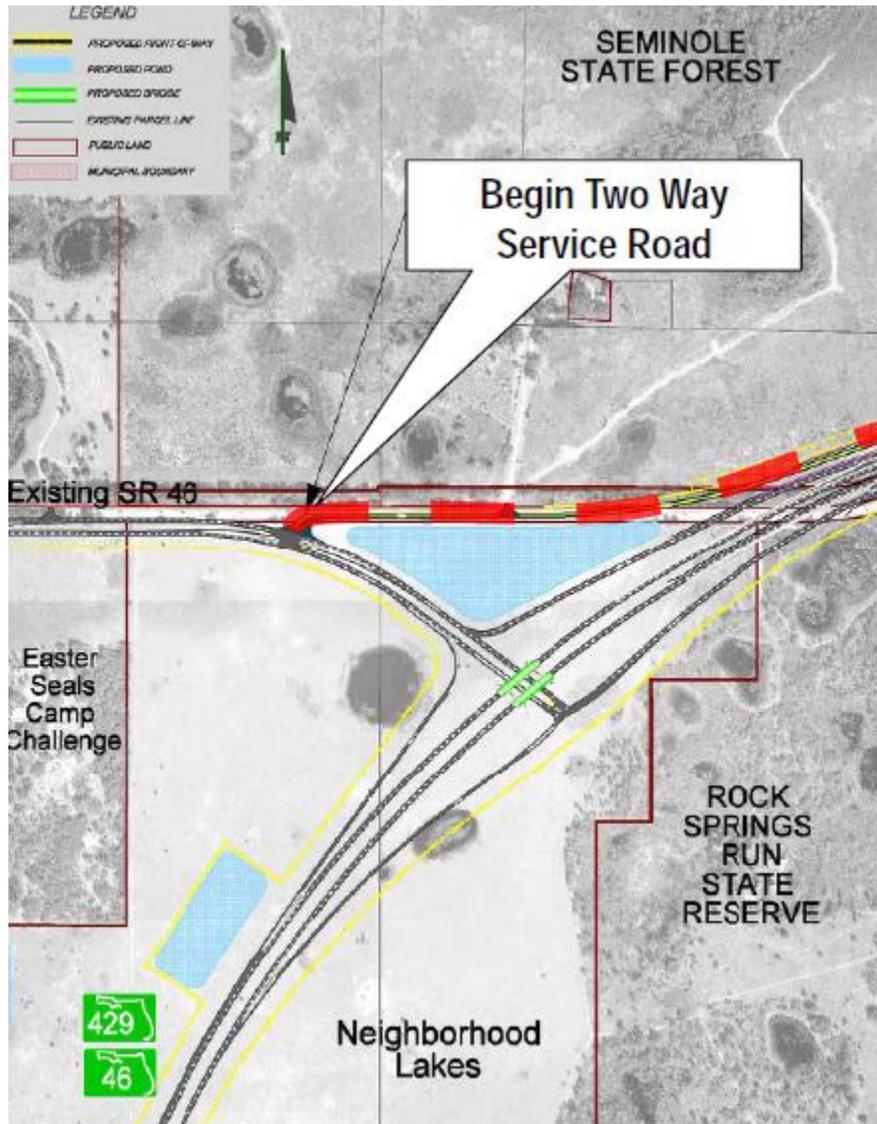


4-Lane Expressway with Service Road (Expandable to 6-Lanes)

OOCEA and FDOT

The service road is planned to begin at the Neighborhood Lakes Interchange and follow on the north side of the Wekiva Parkway into Seminole County to Wekiva Park Drive. At this location, the two-way, non-tolled service road ends and the one-way, non-tolled frontage roads begin and head east through Seminole County until the Wekiva Parkway turns southeast towards S.R 417.

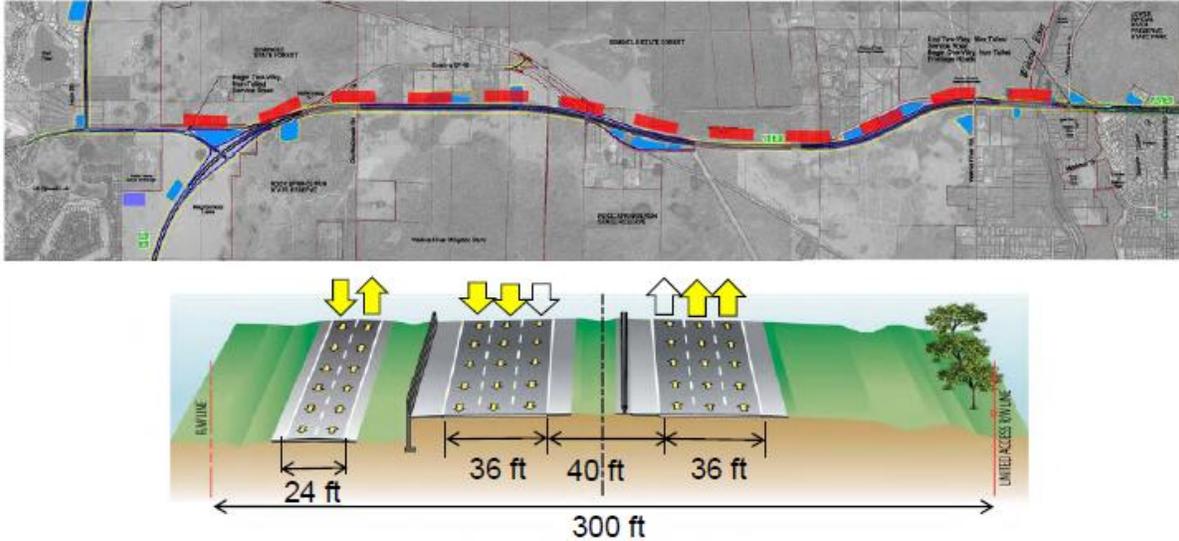
Figures 15a – Wekiva Parkway Service Road Concept



OOCEA and FDOT

Figures 15b – Wekiva Parkway Service Road Concept and Cross Section

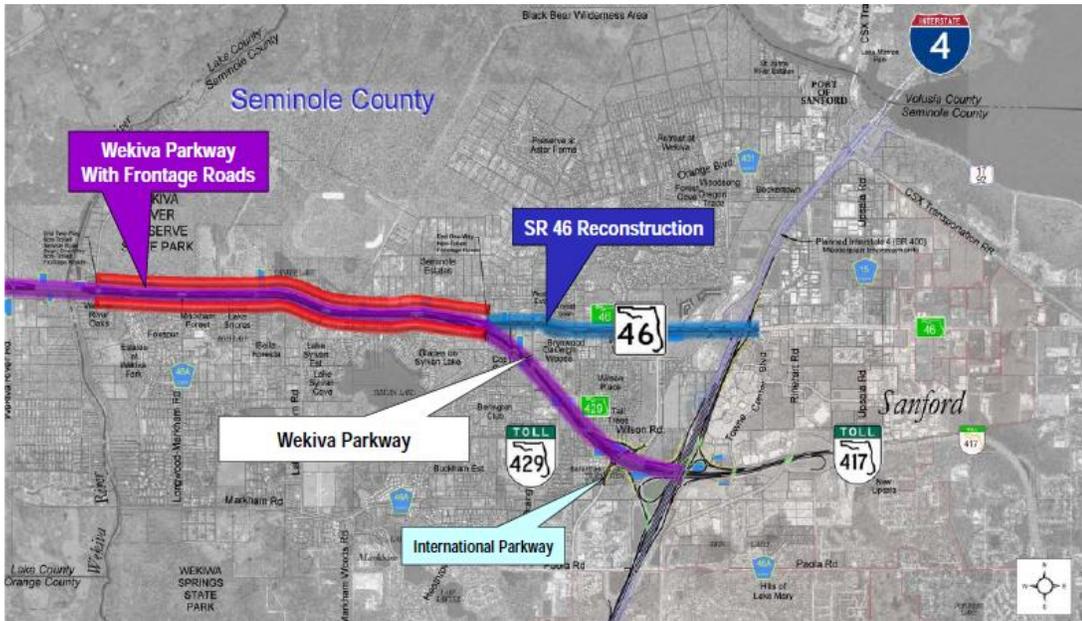
Along North Side of Wekiva Parkway



OOCEA and FDOT

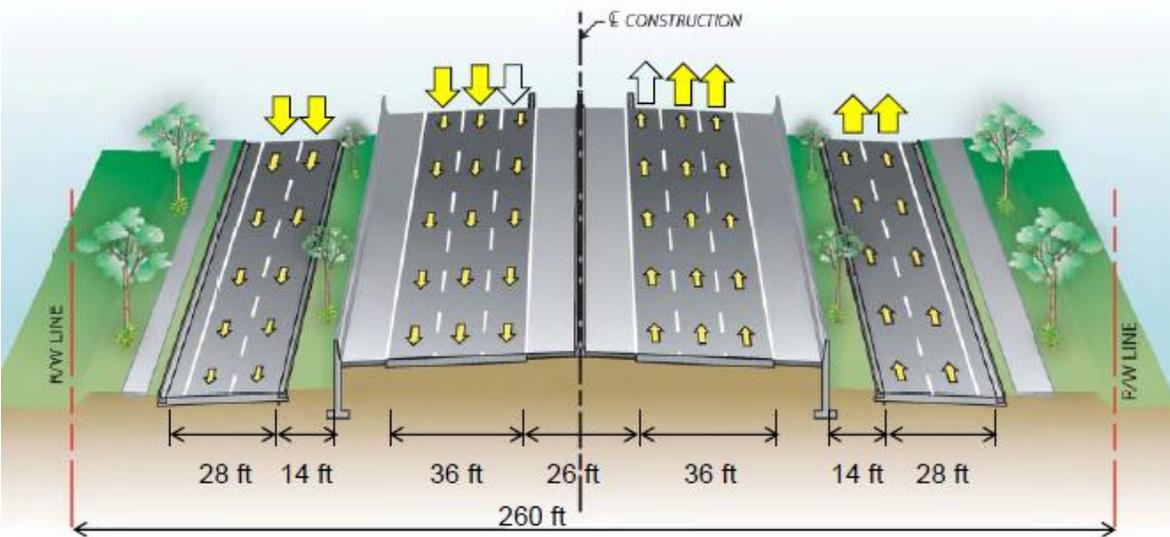
As shown in Figures 16a and 16b, the frontage roads associated with the parkway are one way 4 lane roadways located on the north and south sides of the parkway. The roadways are expandable to 6 lanes if needed. S.R 46 will be reconstructed from West of Orange Blvd to I-4 as part of this project.

Figures 16a – Seminole County, Recommended Alignment with Frontage Roads



OOCEA and FDOT

Figures 16b – Seminole County, Recommended Alignment Cross Section



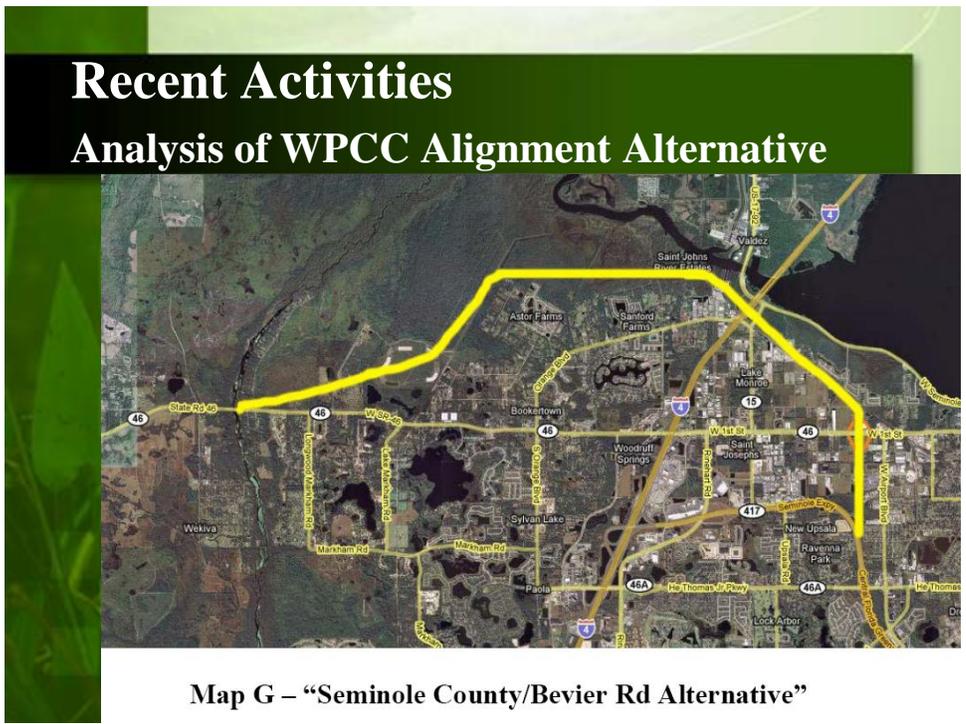
**4-Lane Expressway with Frontage Roads
(Expandable to 6-Lanes)**

OOCEA and FDOT

In Seminole County, the recommendation for SR 46 is to widen the road to the north, minimizing the impact to Lower Wekiva River Preserve State Park. Numerous alternatives were explored including the request of the Seminole County Expressway Authority (SCEA) Board that FDOT conducted Traffic, Impact and Cost Assessment of the Wekiva Parkway Community Coalition Alignment Alternative in 2008. From October 13-21, 2008, OOCEA met with the SCEA Board members to review the assessment results and on October 27th, a meeting was held with WPCC representatives. A presentation was made to the SCEA board on November 18, 2008. Agencies continued to work together to resolve concerns for this alignment throughout 2009.

Figure 17 depicts Map G “Seminole County/Bevier Rd Alternative” as proposed by the WPCC.

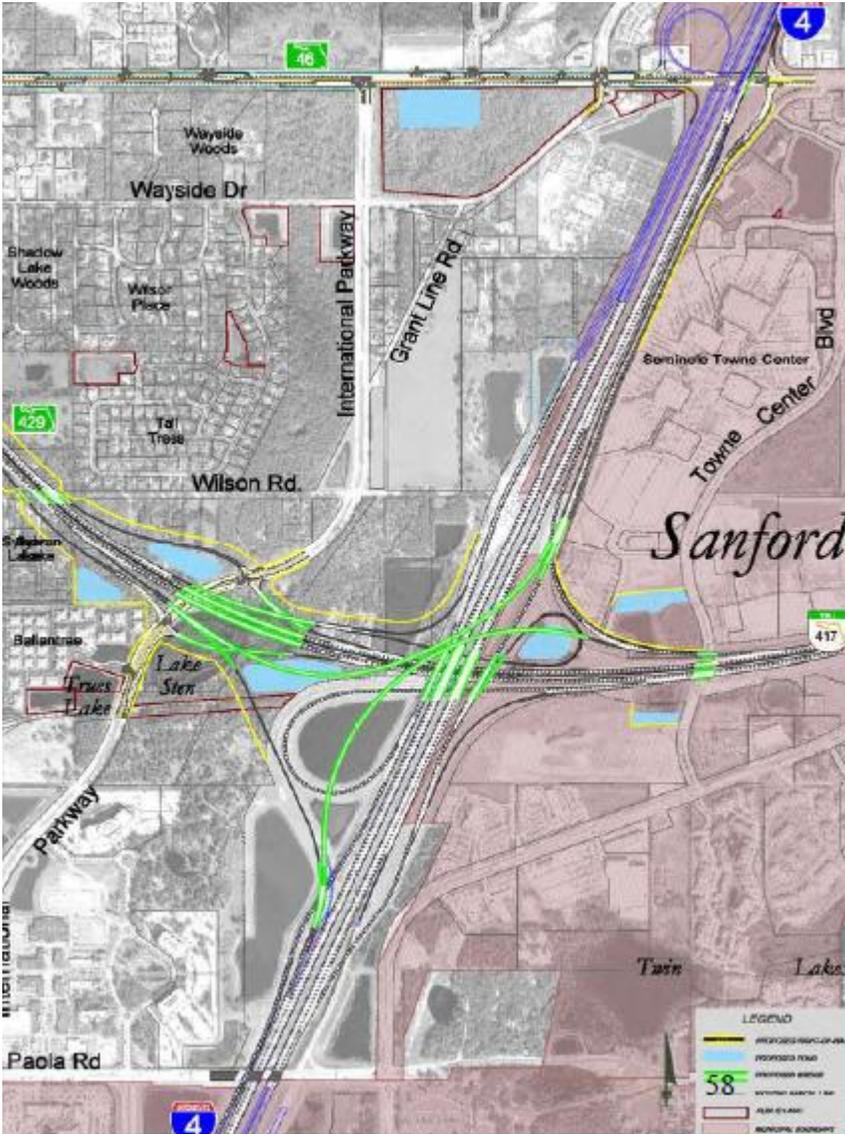
Figure 17 – Map G “ Seminole County/Bevier Rd Alternative”



OOCEA and FDOT

After numerous additional alignments were explored for the SR 417/I-4 Interchanges, the alignment illustrated below in Figure 18 was concluded as the final recommendation, which will reduce the impact on two neighborhoods.

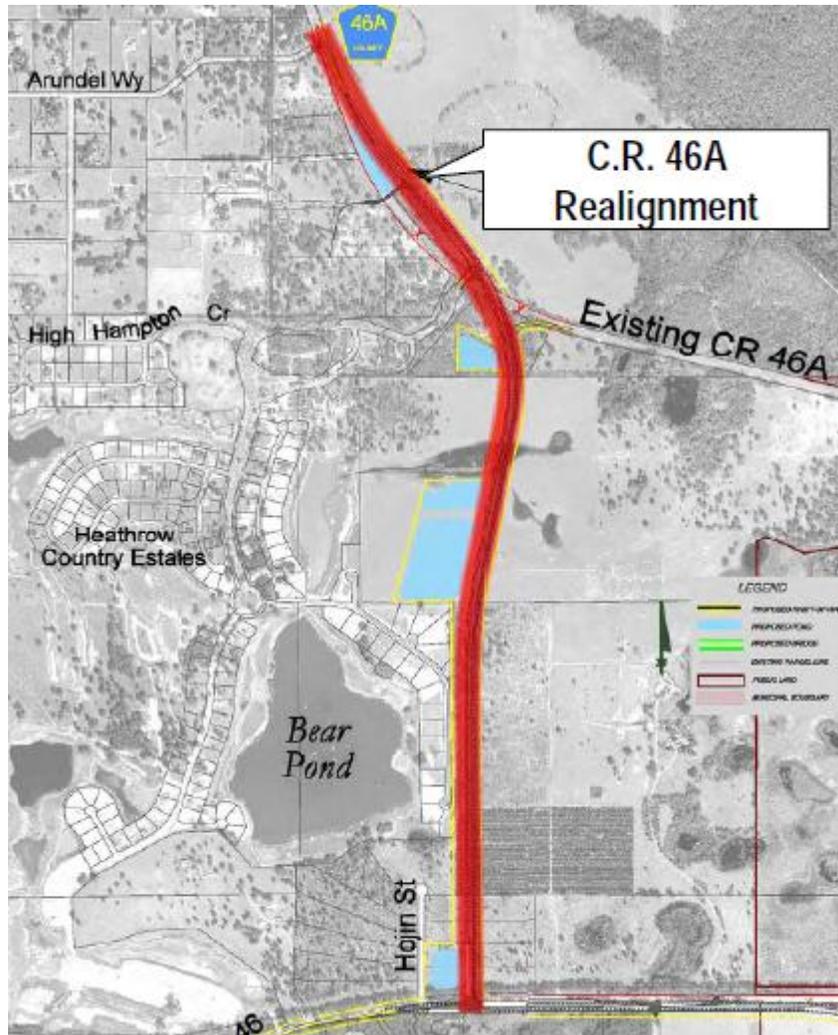
Figure 18 – Seminole County, Recommended Interchange with S.R. 417 and I-4



OOCEA and FDOT

Figure 19 – S.R. 46A Realignment

The realignment of SR 46A has been most controversial. The recommended road alignment keeps SR 46A out of the Seminole State Forest and Heathrow Country Estates.



OOCEA and FDOT

RECOMMENDATION 2 – INTERCHANGE LAND USE PLANS

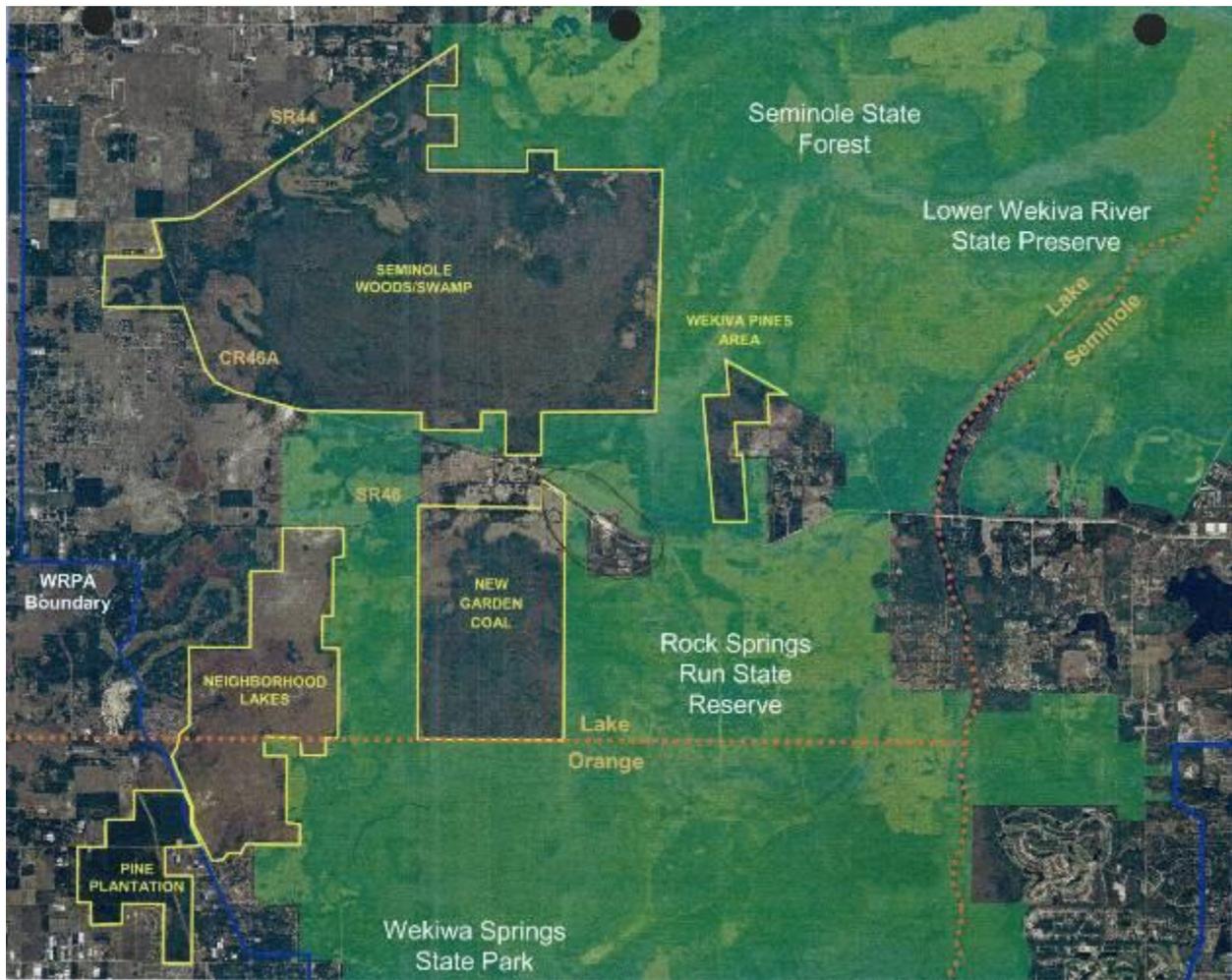
Section 369.321(1) F.S. of the *Wekiva Parkway and Protection Act* implements Recommendation 2 by requiring those local governments hosting an interchange to adopt an interchange land use plan within their comprehensive plans. The interchange plans would address appropriate land use and compatible development, secondary road access, access management, right-of-way protection, vegetation protection and water conserving landscaping, and height and appearance of structures and signage. As noted in the final report of the Wekiva River Basin Coordinating Committee, the primary objectives of the interchange land use plans are to allow for development that is appropriate, compatible and protective of the area’s natural resources.

This requirement was amended by the Wekiva “glitch” bill to provide for a time certain. The time was changed to reflect the sequence of events in the design of the Parkway so that the interchange plans are due one (1) year after those locations have been finalized and approved.

In 2011, the City of Apopka worked with the Department of Economic Opportunity to resolve their “Out of Compliance” amendment in regard to their interchange plan. Due to the new bill, there was some text in the agreement which needed revisions.

RECOMMENDATION 3 – LAND ACQUISITION

Figure 22 – Properties for Acquisition



Section 369.317 (6) F.S. of the *Wekiva Parkway and Protection Act* grants authority to the OOCEA to act as a third-party acquisition agent in the purchase of the following properties shown in Figure 14:

- *Neighborhood Lakes*
- *New Garden Coal*
- *Pine Plantation*

In 2005, an agreement was reached with the Wekiva River Mitigation Bank LLC to protect land within the New Garden Coal parcel. In 2007, Neighborhood Lakes was acquired through cooperation between the OOCEA, the SJRWMD, FDEP, and Orange and Lake County. Pine Plantation was acquired in 2008 with Florida Forever, FDOT, and OOCEA funds.

As of October 2012, the OOCEA has agreed to purchase 143 of the remaining 243 acres of Pine Planation. Forty to fifty of the acres will be used for the construction of the parkway. The remainder will be conservation land. This is intended to satisfy the obligations of OOCEA and FDOT under the Wekiva Parkway Act. Additional conversations are taking place between agencies and the property owner concerning the remaining acreage.

RECOMMENDATION 4 – RECHARGE CRITERIA

Section 369.318(4) F.S. of the *Wekiva Parkway and Protection Act* requires the St. Johns River Water Management District (SJRWMD) to amend the recharge criteria in Rule 40C-41.063 (3), F.A.C. to provide that the post-development recharge volume conditions within the Wekiva Study Area approximate predevelopment recharge volume conditions. The Wekiva Recharge Rule was revised and went in effect in early 2006.

The Committee further recommended that the SJRWMD update the minimum flow and level standards for Rock Springs and Wekiva Springs. The SJRWMD presented their findings to the Wekiva River Basin Commission in 2009. After studies by consultants and expanded ecological monitoring, it was concluded that minimum flows are occurring. The relationship between flow and level are continually readjusted; therefore, the SJRWMD is considering the addition of monitoring sites upstream from the SR 46 location. The areas where shortfalls are projected by 2025 were presented as well.

RECOMMENDATION 5 – AGRICULTURAL NONPOINT POLLUTION

Section 369.318 (9), F.S., of the *Wekiva Parkway and Protection Act* appoints the Florida Department of Agriculture and Consumer Services (FDACS) as the lead agency to coordinate the reduction of agricultural nonpoint pollution sources and continuously enroll growers in the Best Management Practices (BMP) Program. FDACS has completed and adopted numerous BMP rules and manuals. Adopted BMPs that potentially pertain to the Wekiva are the Ridge citrus rule and statewide manuals for container nurseries, vegetable and agronomic crops, silviculture, sod, cow/calf, and specialty fruits & nuts (adopted May 2011). The equine BMP manual was adopted in 2012. FDACS continues to work toward the incorporation of existing citrus manuals into one statewide manual, revising the container nursery manual to include in-ground nurseries and ferns, and updating the vegetable and agronomic crop manual. FDACS is in the early stages of developing a wildlife management BMP manual as well. FDACS continues to work with the citrus, vegetable, and nursery industries, among other stakeholders, to obtain input. FDACS renewed its contract with Mobile Irrigation Labs in the Wekiva area, and has a contract with SJRWMD for the MILs to conduct and audit agricultural irrigation systems.

Table 1 provides the status of FDACS rules/manuals applicable to the Wekiva area.

Table 1. Status of FDACS BMP Programs

OAWP BMP Programs	Rule	Area(s) of Application	Development/Revision Status
<i>Ridge Citrus</i>	5E-1	Non-bedded citrus grown on permeable, better-drained soils	<i>In effect - consolidation into a statewide citrus manual underway</i>
<i>Container Nurseries</i>	5M-6	Statewide applicability	<i>In effect - under revision to include in-ground nurseries and ferns; Anticipated revision 2012</i>
<i>Vegetable/ Agronomic Crops</i>	5M-8	Statewide applicability	<i>In effect - under revision; will include forage grass; anticipated revision 2012</i>
<i>Sod Farms</i>	5M-9	Statewide applicability	<i>In effect</i>
<i>Cow/Calf Operations</i>	5M-11	Statewide applicability	<i>In effect</i>
<i>Equine/Horse Farms</i>	TBD	Statewide - commercial equine operations	<i>Adopted 2012</i>
<i>Specialty Fruit and Nut</i>	5M-13	Statewide applicability - (e.g., blueberries, pecans, tropical fruit)	<i>Adopted 2011</i>
<i>Conservation Plans</i>	5M-12	Statewide applicability to rule-specified operations	<i>In effect</i>
Other FDACS BMPs	Rule	Area(s) of Application	Lead Entity
<i>Silviculture</i>	5I-6	Statewide applicability	<i>In effect - adopted/implemented by Division of Forestry</i>
<i>Aquaculture</i>	5L-3	Statewide applicability	<i>In effect - adopted/ implemented by Division of Aquaculture</i>

RECOMMENDATION 6 – POLLUTION LOAD REDUCTION GOALS

Section 369.318(8) F.S of the *Wekiva Parkway and Protection Act* requires the St. Johns River Water Management District (SJRWMD) to establish Pollution Load Reduction Goals (PLRGs) for the Wekiva Study Area and to assist the FDEP in adopting total maximum daily loads (TMDL) for impaired water within the Study Area. The PLRG process undertaken by the SJRWMD involved the following steps:

- Analyze new and existing data and identify pollutants that impair the springs
- Develop water quality targets for those pollutants (e.g., nutrient concentrations, coliform levels)
- Evaluate the relationship between current pollutant loadings and acceptable pollutant concentrations
- Determine reductions in load needed to meet specified water quality targets

In 2006, the SJRWMD presented the PLRG studies to FDEP.

In 2007, the internal TMDL document reviews were completed. The first public meeting was held in November 2007, opening the public commenting period. The TMDLs were adopted in 2008 with the new thresholds enacted in March 2009. In 2011, all domestic wastewater surface water discharge permits were revised to reflect the new wasteload allocations from the TMDLs.

The Florida Department of Environmental Protection (FDEP) began the process to develop two Basin Management Action Plans to implement the new TMDL nutrient reductions, with technical support from the SJRWMD. One BMAP will be for Wekiva/Little Wekiva River, Rock Spring Run, & Wekiva Spring, the other for the lakes in the Wekiva Study Area.

The process began with a kickoff meeting held at Sylvan Lake Park in March of 2009. A Basin Working Group (BWG) comprised of FDEP, SJRWMD, local governments and Friends of the Wekiva River have been working cooperatively in the BMAP development process. Public BWG meetings were held on June 17, 2009, August 19, 2009, September 29, 2010 and November 10, 2010. In 2011, FDEP continued to work with stakeholders to identify and create projects to meet their reduction goals as well as identify ways to credit facilities who have reduced their loads. The project team also collected information to determine which jurisdictions are adopting ordinances for the reduction of nutrients in the basin. The draft BMAP was developed in 2012 and provided to stakeholders for review. The draft BMAP is under final review. It is anticipated that the final draft will be provided to the stakeholders for review this spring with subsequent adoption by the Secretary.

RECOMMENDATION 7 – MASTER STORMWATER MANAGEMENT PLAN

Section 369.319 of the Wekiva Act requires each of the local governments in the Wekiva Study Area to develop a Master Stormwater Management Plan (MSMP) for their portion of the Wekiva Study Area. The MSMP is required to:

- Assess existing problems and deficiencies in the community
- Identify projects to meet long-range needs
- Establish priorities to address existing deficiencies
- Establish measures to address redevelopment
- Establish a schedule to complete needed improvements
- Evaluate the feasibility of stormwater reuse
- Include requirements for inspection and maintenance of facilities
- Identify funding sources

In order to assist local governments in applying the information and strategies to their jurisdictions, the SJRWMD conducted a series of workshops with local governments. Jurisdictions were scheduled to submit Stormwater Amendments by the end of 2007. During 2010, Ocoee and Eustis worked with the Department to become “in compliance” while Eatonville worked to respond to the Objections Recommendations Comments (ORC) Report. As of 2012, Orlando has been classified as “Incomplete” as their Capital Improvements Element is not yet revised. In 2012, the City of Eatonville continued to work with the Department of Economic Development to come into compliance. Amendments were slated for adoption in late 2012.

RECOMMENDATION 8 – WASTEWATER TREATMENT STANDARDS

Section 369.318(1) F.S. of the *Wekiva Parkway and Protection Act* requires the Florida Department of Environmental Protection (FDEP) to study the efficiency and applicability of water quality and wastewater treatment standards needed to achieve nitrogen reductions protective of surface and groundwater quality within the Wekiva Study Area. The Department completed its report entitled *A Strategy for Water Quality Protection: Wastewater Treatment in the Wekiva Study Area* in December 2004. In October 2005, the Department initiated rulemaking and a public hearing was held on November 1, 2005 in the City of Apopka. The public hearing was well attended and positive. A briefing on the rule before the Environmental Regulatory Commission was held in January 2006. The rule was adopted in February 2006 and effective of April 2006.

Existing domestic wastewater facilities were given five years to meet new limits for total nitrogen and these new limits have been incorporated into each facility permit. The wastewater facility permits and monitoring data reported will be reviewed in 2012 to determine progress made by facilities to meet these new nitrogen standards.

Phase I Nitrate Sourcing Study for the Wekiva Basin, funded by FDEP, was completed during 2008-2009. For the purpose of the study, the Basin was defined as the combination of the watershed and the springshed, which is not the same as the Wekiva Study Area, an administrative boundary. A companion study by DOH focused on septic systems, while FDEP's study focused on residential fertilizer impacts on the basin. The final 2010 report updated Phase I with local data and the report used 2004 as base year calculations. The results are available on the DEP website.

RECOMMENDATION 9 – ON-SITE DISPOSAL SYSTEMS

Section 369.318 (2) F.S. charges the Florida Department of Health (FDOH) with addressing nitrogen reductions through appropriate on-site sewage disposal standards. The Department studied the efficacy and applicability of modifying disposal standards as a way of protecting the Study Area's groundwater quality. FDOH determined that it was possible to provide higher level treatment and protection through improved technology, and, in March 2005, the Department initiated rulemaking.

However, in August 2005, major concerns were voiced at four (4) public meetings held to review the proposed rule. The primary issue regarded the cost of system replacements for homeowners. As a result, a decision was made that further studies, including field work, were needed before moving forward with finalizing any rule changes.

In 2006, the Legislature appropriated \$250,000 to FDOH and \$25,000 to the Department of Environmental Protection to conduct further studies. The Research Review and Advisory Committee (RRAC) provided objectives. This was determined to be a collaborative effort with involvement from various agencies and the public.

In 2007, the nitrogen study was completed and rule-making activities recommenced. The consideration of possible recommendations began. Considerations included policies for new developments and more stringent regulations in the area of septic tank maintenance and inspection, recommending the legislature institute a nitrogen discharge fee and implement an onsite wastewater management program. That program would require maintenance and inspection every five years beginning July 1, 2008, or when property ownership changes. All new systems would be performance based treatment systems providing pretreatment. The proposed rule language for the Wekiva Study Area called for a 70 percent reduction in nitrogen and the creation of an inventory of all onsite systems in the Wekiva Study Area. The language also addressed existing systems in need of repair and land application restrictions specific to the Wekiva Study Area.

This continued to be a contentious topic due to the concern regarding funding for the repair and replacement of existing on-site disposal systems. In 2008, the Legislature

directed DOH to initiate a multi-year, multi-million dollar study to develop passive nitrogen reduction strategies. The proviso language prohibited any rulemaking until completion of the study. The Florida Legislature has provided a total of \$4.4 million for Phases I, II, and the first part of Phase III of a three phase project. The project remains within the original total estimated budget of \$5.1 million so there is no cost over-run. Funds appropriated and expended to date have established necessary viable protocols and have been appropriately used to test, and refine technologies and strategies to be tested in the field. This project is in its fourth year of six, which means a time over-run. The contract, executed in January, 2009, was developed for a five-year term due to the complexity and magnitude of work necessary to get meaningful results. During each fiscal year, the Department authorized the provider to work on tasks for which there was sufficient budget and spending authority causing some delay in project completion which means there is a time over-run. A final appropriation of \$700,000 is required to keep the project on track to be completed by January 16, 2015. Florida. Progress reports are posted on the DOH webpage. A new report is due in February 2013. House Bill 1263 passed by the 2012 Legislature prohibits any government entity from requiring the use of a performance based treatment system prior to completion of the study.

House Bill 1263 also deleted the existing onsite sewage treatment and disposal system evaluation program which had not been implemented. In its place it created an evaluation program from which local governments could opt-in or opt-out. Counties and cities with first magnitude springs were required to make a decision by January 2013. All first magnitude counties and cities have opted out of the evaluation program.

RECOMMENDATION 10 – COORDINATED STRATEGIES FOR PRESCRIBED BURNING

This recommendation relates to the issue of prescribed burning and the need to continue this practice as a way of mirroring the natural process required for many of the plant communities in the Study Area. While there is no specific statutory requirement, the *Wekiva River Basin Coordinating Committee Final Report* identified the Florida's Division of Forestry as the appropriate agency for leading a coordinated effort on this issue. The Division of Forestry continues working through the Central Florida Prescribed Fire Council (which includes the major agencies and entities identified in the recommendation) to promote education and understanding of the issue.

RECOMMENDATION 11- COORDINATED PLANNING FOR APOPKA/ORANGE COUNTY

This recommendation addresses the need for coordinated planning and joint agreement on annexation in Northwest Orange County. In response, the City of Apopka and Orange County have developed and adopted (October, 2004) a joint planning agreement (JPA) that provides future areas of annexation, land uses and associated densities and intensities of use. This agreement currently is being used by both parties in addressing the comprehensive planning requirements of the *Wekiva Parkway and Protection Act* and review of individual development proposals.

RECOMMENDATION 12 – AVAILABILITY OF CUP CAPACITY

This recommendation is addressed through s369.322 (1) of the *Wekiva Parkway and Protection Act*. It requires the FDCA and the SJRWMD to ensure that local comprehensive plan amendments proposing to increase development in the Study Area demonstrate that adequate consumptive use permit (CUP) capacity exists. This requirement currently is being applied in the review of plan amendments by both agencies.

During 2010, the SJRWMD worked to develop a proposed rule to link Environmental Resource and Consumptive Use Permits thus requiring any users needing CUP and ERP to obtain them at the same time. In July 2011, SJRWMD published the Notice of Rule Development containing a draft of the current proposed rule, which is broader than just CUP/ERP linkage. The rule making for the rule is currently on hold due to the Governor’s review of all rulemaking.

Through 2012, the District worked in concert with FDEP to integrate efforts of both agencies in the consolidation of the permitting processes.

RECOMMENDATION 13 – WASTEWATER FACILITY PLANS

This recommendation is implemented through Section 369.320 F.S. of the *Wekiva Parkway and Protection Act*. It requires local governments within the Wekiva Study Area to develop a Wastewater Facility Supply Plan for joint planning areas and utility service areas. An important component of this planning is the requirement to update the plans if the TMDLs require reductions in point source pollutants for a basin or is required by legislation for enhanced treatment standards. All local governments have fulfilled the requirements as of 2012.

RECOMMENDATION 14 – LAND USE STRATEGIES

Section 369.321 (3) F.S. of the *Wekiva Act* addresses this recommendation by requiring local governments to establish land use strategies that optimize open space and promote a pattern of development that protects the most effective recharge areas, karst features, and sensitive natural habitats. In March 2005 the Florida Department of Community Affairs (FDCA) prepared a technical assistance manual for local governments entitled *Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area*. This manual outlined the requirements, information sources and suggested approaches for meeting the requirements of the Act. In addition, the East Central Florida Regional Planning Council hosted three (3) technical assistance meetings with local governments to discuss the requirements and coordinate development of the amendments among the fifteen (15) jurisdictions. In 2010, Orange County, Ocoee and Eustis came into compliance. Eatonville worked with the Department of Economic Opportunity (FDCA) through 2011 to come into compliance. City slated to adopt the amendments in late 2012.

RECOMMENDATION 15 – BALANCING RESOURCE PROTECTION AND ECONOMIC DEVELOPMENT

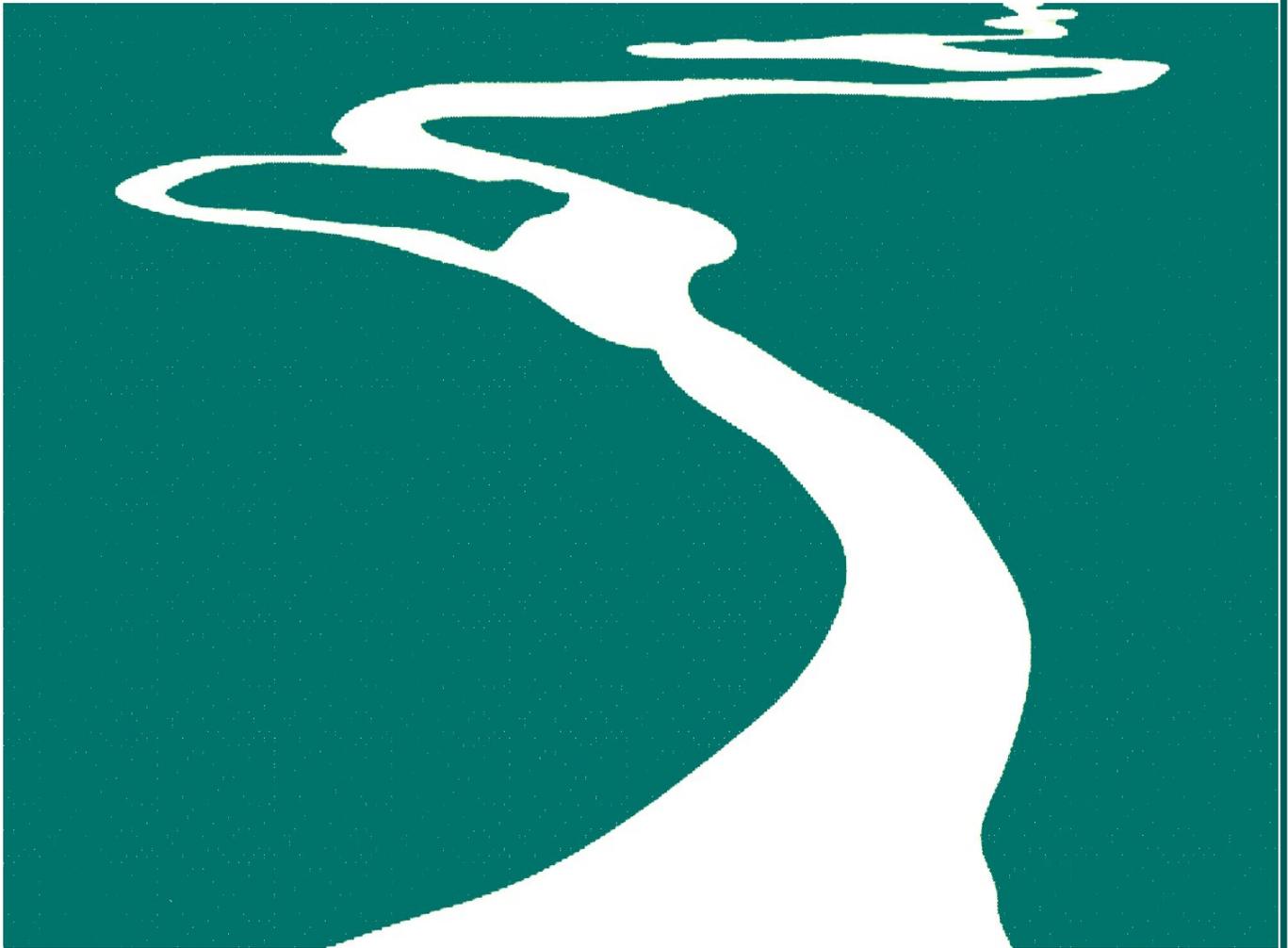
Section 369.322 (3) F.S. of the *Wekiva Parkway and Protection Act* encourages development initiatives that ensure protection of surface and groundwater resources while promoting compact, ecologically and economically sustainable growth. In response to this recommendation, the Florida Department of Community Affairs (FDCA) produced the guidelines noted above, which suggest a variety of techniques and tools for guiding balanced growth that can be used by local governments.

RECOMMENDATION 16 – BEST MANAGEMENT PRACTICES

This recommendation is being addressed by the Florida Department of Agriculture and Consumer Services (FDACS) through their rulemaking activities required by Section 369.318 (9) F.S. of the *Wekiva Parkway and Protection Act* and development of their Best Management Practices Manuals referenced in Recommendation 5.

RECOMMENDATION 17 – PUBLIC EDUCATION

This is an ongoing activity of the SJRWMD through their water conservation planning activities as well as through groups such as the Friends of the Wekiva.



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