



**Wekiva River Basin
Commission**

Commission Meeting

December 15, 2005

1:30 PM – 5:00 PM

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

MEETING SUMMARY

I. CALL TO ORDER AND ROLL CALL

Sen. Constantine called the meeting of the Wekiva River Basin Commission to order at 1:45 pm. Ms. Andrea Fant took the roll and announced a quorum was present. 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. William P. Battaglia – *Battaglia Fruit Company*
4. Mr. Charles Lee – *Senior Vice-President, Florida Audubon Society*
5. Mr. Sandy Minkoff for Honorable Catherine Hanson – *Commissioner, Lake County BCC*
6. Honorable Brenda Carey – *Commissioner, Seminole County*
7. Honorable Steve Wolfram – *Commissioner, City of Altamonte Springs*
8. Mr. James Stansbury for Mr. Thaddeus Cohen – *Secretary, Florida Department of Community Affairs*
9. Mr. Mike Snyder for Mr. Allan Keen – *Chairman, Orlando/Orange County Expressway Authority*
10. Mr. Gary Johnson – *Executive Director, Seminole County Expressway Authority*
11. Mr. Jody Lee for Mr. Charles Aller – *Director, Office of Agriculture Water Policy, Florida Department of Agriculture and Consumer Services*
12. Mr. Mark Hooks for Dr. Bonita Sorensen – *Deputy State Health Officer, Florida Department of Health*
13. Mr. George Gilhooley – *District Secretary, Florida Department of Transportation*
14. Mr. Dennis David – *Regional Director, Florida Fish and Wildlife Conservation Commission*
15. Ms. Vivian Garfein – *District Director, Florida Department of Environmental Protection*
16. Ms. Mary Brabham for Mr. Kirby Green – *Executive Director, St. Johns River Water Management District*
17. Mr. Harold Barley – *Executive Director, Metroplan Orlando*

Ms. Andrea Fant announced there was a quorum. Senator Constantine offered the September 22, 2005 minutes for approval. Mayor Yatsuk moved to approve the minutes. Senator Constantine noted the minutes were approved with the stipulation of correcting the language

in item #1 of his requests to the Department of Health. Senator Constantine commented his requests to DOH were to provide the number of septic tank units that would be potentially sewerred by the year 2011, as well as the number of tanks remaining after eliminating those septic tanks to be sewerred by 2011.

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER AFFAIRS – *Mr. Jody Lee*

Mr. Lee noted the FDACS is on schedule for the adoption of rules concerning the current agriculture operations innovation. He stated he expects several rules to be adopted by the end of the year 2005 with the nursery manual to be adopted statewide in early 2006.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION – *Ms. Vivian Garfein*

Ms. Garfein introduced Ms. Christianne Ferraro, Program Administrator. Ms. Ferraro noted FDEP hosted a public workshop concerning the Wekiva Spring on November 1st at the Apopka City Hall; 45 individuals attended the workshop. Ms. Ferraro mentioned several presentations about the Wekiva Spring were given, as well as data from various studies performed on the Wekiva Spring and FDEP rule language regarding the Wekiva Spring. She noted several attendees submitted written comments regarding the workshop and that a summary of the workshop was placed on the FDEP website. Ms. Ferraro noted in regards to rule adoption, DEP will brief the Environmental Regulation Commission on January 18th and will hopefully obtain adoption of its rule in February 2006.

FLORIDA DEPARTMENT OF TRANSPORTATION – *Mr. George Gilhooley*

Mr. Mark Callahan, CH2M Hill, provided a PowerPoint presentation. He noted the DOT and Orlando/Orange County Expressway Authority (OOCEA) are partners in managing the Wekiva Parkway PD & E Study, at which they are following the standards of the National Environmental Policy Act (NEPA). He mentioned the first year of a two year study has been completed, the class of action being an Environmental Assessment and Finding of No Significant Impact (EA/FONSI). The study corridor includes the Wekiva Parkway, starting at US 441 and extending to I-4 between SR 417 and the St. Johns River. Also, partners will look at a realignment of SR 46 and CR 46-A (Lake County). He stated regarding the PD & E Study process, the partners have prepared the initial corridors and are moving toward evaluating and refining the alignments, identifying viable alternatives to be presented to the public in July 2006, finalizing evaluations, and making a recommendation via a public hearing in December 2006. He noted current activities include data collection, analyses, development of alternatives, coordination with local governments and various agencies, and meetings with Project and Advisory committees. He noted the initial alignment alternatives were presented in a series of three meetings, one in Orange County sponsored by the Expressway Authority, and one in Lake and Seminole County both sponsored by DOT. He noted the meetings elicited a turn out of over 1100 people and over 300 comments; he stated the comments will be considered when refining the alternatives. He noted during the meetings, members of the community expressed concerns about property impacts, interchange locations, roadways within the city of Mount Dora, and the I-4 connection in Seminole County. He also mentioned most people supported a connection for the Wekiva Parkway at SR 417. Mr. Callahan stated partners will continue to coordinate with the cities and various agencies over the next six months to evaluate and refine alternatives. He stated he will continue to keep the Wekiva Commission updated.

Commissioner Carey inquired as to when cost analyses would be conducted. Mr. Callahan stated specific cost estimates will be evaluated when examining viable alternatives. He noted the current total cost is estimated at 1.2 million dollars for the project. He added given the nature of the project, the right-of-way cost is not a detail that's typically determined at this time. Mr. Gilhooley noted there is 45 million dollars reserved for the right-of-way.

Ms. Jennifer McMurtray stated she is concerned that agencies and partners are moving away from the initial plan. She commented DOT and the Expressway Authority presented alternatives that were not viable. She expressed concern about the original plan being compromised. She stated proposals regarding the alignments included moving the interchange to the center of the wildlife corridor, which would result in severe impacts. She commented FDOT and the Expressway need to be redirected to the original plan.

Mr. Callahan noted public comments will be taken into consideration. He stated DOT and the Expressway Authority have received Ms. McMurtray's comments through correspondence with the Wekiva coalition, as well as 30-40 other comments during various meetings. He noted the comments will be incorporated into the assessments.

Discussion of SJRWMD's Pollution Load Reduction Goals pursuant to *Recommendation 6* of the Final Report – Mr. Kirby Green

Ms. Mary Brabham, Middle St. Johns River Basin's (MSJRB) Program Manager, delivered a PowerPoint presentation. She noted the St. Johns River Water Management District (SJRWMD) began a Pollutant Load Reduction Goal (PLRG) analysis for the Wekiva River and Rock Springs Run during the summer of 2004. The diagnostic work completed includes the ecosystem metabolism study, algae surveys, literature review on nitrate toxicity to aquatic animals, analysis of coliform impairment, comparison to nutrient levels in less impacted springs and streams, and various spring algae studies. Ms. Brabham listed the accomplishments to date, legislative report, and SJRWMD staff contacts. She noted the legislative report will be completed by February 1, 2006.

Mayor Yatsuk requested Commission members be provided handouts of each presentation given during meetings. Senator Constantine asked Mr. Jones to make sure handouts are provided to members in the future.

Discussion of Local Comprehensive Plan Amendments pursuant to *Recommendation 14* of the Final Report – Mr. James Stansbury

Mr. Stansbury noted as of today, approximately 60 % of the local governments have submitted its comprehensive plan to DCA for review. He mentioned plans currently due include the land use open space strategies and stormwater management. He commented he believes the majority of the remaining local governments will present comprehensive plans in the near future. He noted in the past 2-3 months, members of DCA have participated in local Technical Review and Advisory Panel (TRAP) meetings, which elicited suggestions that the wastewater facility plans needed to be initiated; Mr. Stansbury noted there is \$150,000 available in funding to assist local governments with the wastewater facility plans. Mr. Stansbury mentioned DCA representatives attended an open house organized by DEP, which focused on helping the public understand the roles of various agencies in implementing the Wekiva Act.

Mr. Stansbury noted the Master Stormwater Plan is the next order of business; he commented the WMD did an outstanding job with its document. He stated DCA staff met with WMD and DEP staff to get an understanding of the plan's structure. Additionally, Mr. Stansbury noted the DCA staff is working with the WMD to find assistance for local governments in implementing the Master Stormwater Plan. He made note there are two requirements concerning the plan: 1. the local governments develop a Master Stormwater Plan; 2. adopt the objectives, goals, and policies within the Comprehensive Plan to implement the Master Stormwater Plan. He made mention of a future meeting in January between DCA, DEP, and WMD to discuss scheduling workshops with the local governments to provide them assistance in implementing the objectives, goals, and policies within their Master Stormwater Plan.

Mr. Stansbury noted the WMD is expecting to take the 10 year water supply plan to its board for adoption in January or February. He commented DCA will not wait for adoption of the

WMD's plan, but will draft a contract and Scope of Work to provide funding to local governments to assist with the goals, objectives, and policies and incorporating the water supply plans into the Comprehensive Plan.

Mr. Lee stated he would like to see a report of DCA and the ECFRPC's progress in producing a set of guidelines and provisions that would respond to the Wekiva Act. Mr. Stansbury responded a consultant was hired to work with DCA and the local governments; participants met approximately 2 weeks ago to focus on the first draft of goals, objectives, and policies. Mr. Stansbury commented the local governments provided positive input regarding the draft, and DCA staff is working on compiling all input to be available in 3 weeks.

Senator Constantine commented DCA is now in the forefront in assisting local governments with comprehensive plans. He mentioned at one point, local government representatives thought they would not be able to meet the deadline, but now the plan is coming together and local governments are making progress.

Mr. Battaglia inquired as to which local governments requested deferment. Mr. Stansbury replied Lake County is undergoing a massive rewrite and update of its own Comprehensive Plan and expressed interest in being able to incorporate the Wekiva Amendments into the update of its Comprehensive Plan. He noted the other was a municipality that's doing an update in February. Senator Constantine asked Mr. Stansbury to get the aforementioned information to the ECFRPC to be put on its website and also to provide each Commission member with an update on the status of each community.

Discussion of FDOH's Rulemaking Activities for On-site Disposal Systems pursuant to Recommendation 9 of the Final Report – Mr. Mark Hooks

Mr. Hooks delivered a PowerPoint presentation. He made note of a TRAP meeting held on November 2nd regarding on-site sewage treatment and disposal impacts. He mentioned because the TRAP committee is having difficulty going through the extensive research regarding nitrogen impacts on the environment, several members, primarily those in the building and wastewater industry, have hired a private consultant to review the existing literature. He noted the consultant is scheduled to present a summary at a January 12th meeting at the Orlando Airport Marriott; the summary will be posted on the Department's website.

Mr. Hooks made mention that the Department was charged with initiating rulemaking to achieve nitrogen reductions protective of water quality within the Wekiva Study Area. He stated regarding the proposed reduction in nitrogen, the proposed 10 mg/L treatment level represents a 75% reduction in the amount of nitrogen being discharged into drainfields by conventional septic tanks currently in use. He noted the DEP provided information to the TRAP committee regarding nitrogen levels in the springs, stating the Wekiwa Springs and Rock Springs contain 20 times the level of nitrogen than springs in undeveloped regions. He made mention that conventional on-site systems do not provide adequate nitrogen removal and discharge 1.148 million pounds of nitrogen per year in the Wekiva River Basin. He stated the systems are being accepted for nitrogen removal and have been field tested by the National Sanitation Foundation, Baylor University, and DOH.

Senator Constantine asked Mr. Hooks to provide copies of his presentation to each Commission member.

Commissioner Carey noted in a previous meeting, DOH staff reported there were 90,000 systems, but now they're reporting approximately 55,000.

Senator Constantine noted according to DOH's Onsite Sewage Treatment and Disposal System (OSTDS) chart, a little over 1% of the systems would need to receive repairs and/or modifications per year.

Mr. Lee stated the OSTDS impacts should include the number of new septic tanks to be added in the area annually. Senator Constantine noted under the latest rule, it was not necessary to include new construction. Mr. Hooks stated the slide focuses on existing systems, but noted according to the current rule, DOH now has to address new and existing systems. Mr. Lee stated he would like to see the numbers for the new systems.

Discussion of Future Agency Activities and Deadlines – Senator Lee Constantine

Mr. Doug Everson (Vice President of Plastic Tubing Industry) stated the DOH created a rule from several studies. He commented he believes the rule and the data from the studies do not correspond with one another. He noted he started a campaign to review whether the septic tank contributes to the nitrate problem within the Wekiva Basin area. Mr. Everson commented there is an assumption that septic tanks and onsite systems, which are correctly installed, contribute to the nitrate problem; he commented there is no proof that this incident occurs within the Wekiva Basin area. He said DOH should study the Wekiva Study area for nitrate problems occurring from onsite systems. He noted homeowners, realtors, and others have hired a reputable consultant, Mr. Damon Anderson, who has conducted research of the Wekiva Study area to determine if the data used by the DOH was sufficient to determine the appropriateness for establishing a rule or whether further testing needed to be completed within the Wekiva. Mr. Everson noted he is representing hundreds of homeowners in asking the Commission to instruct the DOH to perform a specific study of nitrates in the Wekiva Study area to determine if onsite systems contribute to the problem.

Mr. Michael Ratti commented a lot of the nitrate is coming from commercial fertilizers. He stated a thorough study needs to be conducted to explain how the nitrates move from one area to another. He commented the science shows there is no proof that septic tanks actually cause the problems with nitrates within the Wekiva Study area.

Mr. Gino Ratti stated the legislature has charged DOH with increasing water quality, specifically ground water. He commented assumptions have been made regarding the septic tanks contributing to the nitrate levels. He attested to having the same septic tank since 1978 without having to repair or replace it. Senator Constantine stated Mr. Ratti would not be affected by the proposed rule; he noted for those septic tanks working properly, it's the status quo, meaning nothing would change. Senator Constantine stated studies are being conducted to examine all levels and areas of nitrate. He noted if the rule was put into place today, the amount of septic tanks that would be affected in one year is 583, not the 50,000-90,000 previously mentioned.

Mr. Ratti stated he would like to see a much larger study area examined. He made note Juniper Springs, located in the Ocala National Forest, possesses a nitrogen level of less than .1 mg/L. He commented Miami Springs in Seminole County, which is 1 mile away from Wekiwa Springs, also possesses a lower nitrate level than that estimated for the Wekiva Basin. He stated tests are not being conducted at the Rock Springs; he commented he believes the problem lies within the study and not the Basin. Mr. Ratti also made mention of two springs within the Wekiwa Springs State Park, Witherington Springs and Barrel Springs, which he says have not yet been tested; Mr. Ratti commented he would like to see these springs tested and he is sure they will possess low levels of nitrogen, similar to that of Juniper Springs and Miami Springs.

Mr. Dominique Buhot stated he would like to see more research completed in the Basin. He commented the total cost (engineers, etc.) of inputting new systems is expensive. Mr. Buhot

stated nitrates are an issue within the Basin, but not to the degree that Commission members believe.

Senator Constantine reiterated nothing is concrete, that there is no definite rule. He complimented DOH for taking into account the discussion and information received. He noted it is important to develop the correct rule and that's why DOH is looking into the issues again. He stated everyone has a vested interest in the development of a correct rule. He commented ultimately, the Commission will deliver the very best rule; he stated in considering all information, DOH will find the best rule.

Mr. Buhot stated the issue is money; most homeowners do not have the money to replace a system.

Senator Constantine instructed Mr. Hooks to meet with Mr. Buhot to verify estimations and price quotes.

Mr. Jim Hawley commented based on the information given at the November 2nd Trap meeting, he believes not enough wells were tested. Additionally, he noted representatives at the meeting stated much of water coming from the spring possessed nitrogen. He commented there are several places the nitrogen may have come from and those locations need to be identified and examined. He commented he believes the nitrogen is coming from 2 different places, a large draining field and rapid infiltration basins. He stated problems with nitrogen cannot be fixed until the source from which the nitrogen flows is identified.

Mr. Ian McDonald stated he would like to see the failure rate of the septic tanks re-evaluated as he does not believe it to be 1%. He commented he hopes the Commission members remain level-headed, utilize the best science, and take all the time needed to do things correctly and thoroughly.

Mr. Hooks noted DOH is mandated to protect the public health and the environment.

Discussion of Future Meeting Dates – Senator Lee Constantine

Senator Constantine noted there will be a meeting sometime in May or June, possibly one before the regular legislative session.

Mr. Lee suggested having a meeting before May to discuss the model and plan provisions by DCA and the status of land acquisition in the Wekiva area, beyond the four parcels specifically identified in the legislation.

Senator Constantine stated he will try to schedule a meeting at the end of February. He noted the next meeting, aside from the aforementioned, will take place at the end of the year to discuss rulemaking or establishments, such as DEP's establishment of the TMDL. He stated meetings will also include updates from all agencies.

Mr. Keith Schue provided a PowerPoint presentation including maps of the Wekiva-Ocala Ecosystem; he noted the stated has made significant efforts to provide acquisition/purchases in the Wekiva Spring Park. He referenced a map of the property included in the Wekiva-Ocala Greenway Project. He mentioned the property includes land that have and have not been acquired, and as a result, there is no connection or linkage. He commented he urges the Commission to move swiftly in acquiring land within the ecosystem in order to achieve the necessary connection.

Ms. Nancy Prine commented the Commission has been able to set an example for others to follow in protecting our resources. She commented the Commission needs to set the same example in specifically protecting the Wekiva Parkway.

Mr. Ian Thatcher read a letter on behalf of sister asking the Commission to take major efforts in saving the Wekiva River Basin.

Mr. Lee inquired as to whether the next agenda would allow time for the Division of State Lands to present a report on what staff is doing to make offers for the remaining properties of the Wekiva-Ocala Greenway Project. Senator Constantine replied he will try to add the Division to the agenda provided there is extra time.

Mr. Stansbury made note of the new DCA Chief of Comprehensive Planning, Marlene Conaway.

Senator Constantine adjourned the meeting at 4: 46 pm.