



**Wekiva River Basin
Commission**

**Wekiva River Basin Commission Meeting Minutes
October 16, 2007
1:30 pm**

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

1. Call to Order and General Business

The meeting was called to order by Senator Lee Constantine at 1:35 p.m. Ms. Ruth Little called the roll and announced that a quorum was present. The following members were in attendance:

Senator Lee Constantine, Chair – Senator, Florida Senate District 22
Commissioner Brenda Carey – Seminole County Commissioner
Commissioner Teresa Jacobs – Orange County Commissioner
Mayor John Land – Mayor, City of Apopka
Mr. Charles Lee – Senior Vice-President, Florida Audubon Society
Mr. Greg Welsted for Commissioner Linda Stewart – Lake County Commissioner
Commissioner Steve Wolfram – City of Altamonte Springs Commissioner
Mr. Jody Lee for Mr. Charles Aller – Director, Office of Agricultural Water Policy, Florida Department of Agriculture and Consumer Services
Mr. Harold Barley – Executive Director, Metroplan Orlando
Mr. Gerald Briggs – Chief Bureau, Onsite Sewage Programs, Florida Department of Health
Mr. Dennis David – **Regional** Director, Florida Fish and Wildlife Conservation
Ms. Vivian Garfein – District Director, Florida Department of Environmental Protection
Mr. Kirby Green – Executive Director, St. Johns River Water Management District
Mr. Frank Hickson for Ms. Noranne Downs, District Secretary – Florida Department of Transportation
Mr. Gary W. Johnson - Executive Director, Seminole County Expressway Authority
Mr. Mike Snyder – Executive Director, Orlando/Orange County Expressway Authority
Mr. James Stansbury – Florida Department of Community Affairs

On a Motion made and seconded, the June 1, 2007 minutes were approved as presented.

2. Status Reports on Current Agency Activities

Florida Department of Agriculture and Consumer Services (FDACS) – *Mr. Jody Lee*
Mr. Lee reported that the Department's implementation teams are continuing to enroll nurseries in the Best Management Practices program. They recently met with Cattlemen's Association and the Cow and Calf operations manual is in the final stages. The newly updated nitrate and phosphorus fertilizer rules have been approved and adopted.

Florida Department of Transportation (FDOT) – Mr. Frank Hickson

Mr. Hickson reported on behalf of Noranne Downs. The FDOT has held meetings with the Florida Department of Environmental Protection (FDEP), county governments, and homeowners. The project schedule has been pushed back in an effort to accommodate more public meetings and gain consensus. There are still unanswered questions regarding funding, but tolls, TIF bonds and public-private partnerships are still being considered as options. The initial recommendations of consultant CH2MHill are currently under review. The FDOT is going out to local governments to show various alternatives, and more public hearings have been scheduled. Senator Constantine asked if a discussion with the Secretary of the FDOT would help advance the funding. Mr. Hickson feels that may be an option in the future, depending on the outcomes of the next FDOT meeting which has Wekiva Parkway tolling on the agenda.

Orlando/Orange County Expressway Authority (OOCEA) - Mr. Mike Snyder

Mr. Snyder began by stressing that the Wekiva Parkway project is the number one priority of the OOCEA. For five years, the OOCEA has worked to get a beltway around Orlando while protecting the environment, working closely with the FDOT and the Turnpike Enterprise to find a way to fund it. In the area of land acquisition, two of the four major required parcels have been acquired. An offer has been extended on a third parcel and within the next two weeks an appraisal will be completed and OOCEA, St. Johns River Water Management District (SJRWMD) and FDEP will work together to fund that purchase. Smaller parcels will be needed to assure preferred alignments. The budget includes 65 million in a 5-year plan for engineering and acquisition in Orange County.

Mr. Charles Lee expressed his concern about the state's priority and commitment to completing the Wekiva Parkway, especially the 417 connection. Mr. Snyder said that, while he understands the statewide issues, he also recognizes the need to aggressively pursue projects within your own district. The importance of the Parkway has not changed, and the Governor needs to know how important this is to the state. There is a deficit in the state and there are only so many dollars, but this is important. Mr. Hickson brought up other projects in the region, including commuter rail, seaport issues, and noted that the Secretary of the FDOT is a big advocate of the "How Shall We Grow?" project.

Next, Mr. Snyder asked Mr. Mark Callahan of CH2MHill to present a review of preferred road alignments and discuss next steps and project schedule. Mr. Callahan began talking about Orange County, stating that the Kelly Park interchange is the recommended placement and is supported by the City of Apopka. In Lake County, there are no changes from the June recommendations, which have good consensus.

In the last meeting, one of the big discussions was the handling of interchanges in the Mt. Plymouth area. The half interchange to the east would require traffic to remain on SR 46, which was a great concern to many agencies. Through those discussions, the recommendation is now for the full interchange in the west, middle and east exchanges, closing SR 46 between the two eastern-most interchanges. The final disposition of that roadway and surrounding land will be determined by the FDEP. Therefore, Alternative Two

is the recommendation, the red alignment with three full interchanges which have lower impact, occupy a smaller land footprint and have lower construction cost.

The most contentious alignment remaining is the realignment of SR 46A. This portion of the road potentially impacts the Seminole State Forest and the County Estates neighborhood. The alignment choice labeled "1A" is still our recommendation based on the August 28 Lake County Commissioners meeting, but is also awaiting more clarification next Tuesday from the County. Mr. Lee asked if the road will be 2 or 4 lanes. Mr. Callahan stated that the initial plans indicate 2 lanes, but he suspects if the project is deferred, the need for 4 lanes will likely be present.

Moving to Seminole County, Mr. Callahan showed a typical road section with access roads on either side, and noted that the County wants to include trails outside access roads. Right of way and widening options are unchanged from the recommendations made in June. The tie-in to I-4 and 417 will require some reconstruction. This alignment will be reviewed next month with the Seminole County Expressway Authority, but at this time we have the same recommendation that was presented in June.

Summarizing next steps, Mr. Callahan said the OOCEA board will ask for approval to hold public hearings. The interchange at I-4 requires the filing of a modification report. Engineering and environmental documents are being prepared in conjunction with state agencies and the Federal Highway Administration. Public hearings will be held in January or February of 2008, subject to Federal processes.

Senator Constantine opened the floor for discussion. Gregg Welsted, attending on behalf of Lake County Commissioner Linda Stewart, read a prepared statement asking the Commission to support the western-most alignment of SR 46A because it presents the least impact on the Wekiva River. Mr. Charles Lee expressed his support of Commissioner Stewart's request and made Motion in support of the recommendation of Alternative 1A for SR 46A. The Motion was seconded by Commissioner Wolfram. Senator Constantine asked everyone to keep in mind that although recommendations have been offered, public hearings are upcoming and there may be modifications. He said further than he understands an expression of support, but this is a Lake County road and there are procedures to be followed. Mr. Lee emphasized that his Motion is simply to give Commissioner Stewart the support of this Commission. Senator Constantine opened the floor to discussion.

The Senator recognized Mr. Scott Taylor, a resident of Sorrento. Mr. Taylor said he has purchased property in the area in order to establish a rural buffer around his property. He also bought property near the intersection of SR 46 because of suspicion that a junk yard was going to be put there. He believes if SR 46 were moved to the west, it would allow more space to the east and better connectivity for habitat flow. He feels the 100 foot buffer is fair and reasonable, and emphasized that every inch the road is moved to the east dilutes what the Wekiva Act instructs us to do.

Mr. Bill Smalley spoke next as a resident of Heathrow Country Estates. His concern is how noise levels increase as the road is moved closer to homes. Mr. Smalley also said that the

FDACS and Division of Forestry recommended Alternative 2. Later, CHM2Hill requested that they change to Alternative 1A, but homeowners were not notified. Mr. Smalley gave statistics on bear deaths in the area, and noted the 106 foot corridor that bears would be forced into. He suggested moving the road towards the CR 437 intersection, or putting the connector road through the Seminole State Forest. Mr. Smalley was also concerned about paving over the gas line in that area and what effect traffic and vibrations might have over many years.

A lengthy discussion followed regarding pros and cons of alignment 1A and 2, the bear activity corridors and the use of state-owned preservation land for road construction. Mr. Tim O'Brien, a Lake County resident, suggested that the three full interchanges presented could be reduced to two interchanges. Jeannie Edder, a resident of Mt. Plymouth, noted the increase in traffic in the last seven years, and voiced her opposition to the idea of putting additional traffic on CR 437. Commissioner Carey said another public hearing is scheduled, but at this time the goal is to stay out of the Seminole State Forest.

Mr. Keith Schue, The Nature Conservancy (TNC), stated that TNC is not taking a position on alignment details involving 50 feet one way or another, but instead focuses on the bigger picture of fulfilling the core purpose of the Wekiva legislation. TNC holds that a wildlife corridor is best achieved by realignment to the west. Our position is consistent with the Division of Forestry that 46A should not go through public lands.

Mayor Land made a Motion to postpone vote on Mr. Lee's Motion until Lake County makes their final decision on this matter. Mr. Lee was asked to clarify his Motion, and he stated that keeping the road alignment off public lands was his primary intent, along with support of Commissioner's Stewart's position statement. Senator Constantine asked Mr. Lee to postpone calling the question so that others could speak.

Commissioner Jacobs suggested a more general motion that would indicate the Commission's support for keeping the road alignment out of the public lands, without getting ahead of the public hearing process. Usurping the process can backfire, and a more general motion might result in a more positive result. Senator Constantine voiced his support. Commissioner Jacobs offered an amendment to Mr. Lee's Motion, rewording it to indicate the Commission's support of a road alignment that keeps 46A out of the Seminole State Forest and as far west of the State Forest as possible. Commissioner Wolfram seconded the Motion to Amend Mr. Lee's Motion; the Motion to Amend passed unanimously. The vote on the Motion to indicate Commission's support of a road alignment that keeps 46A out of the Seminole State Forest and as far west of the State Forest as possible was called and passed unanimously.

Florida Fish and Wildlife Conservation Commission – Mr. David Dennis

Mr. Dennis had nothing new to report since the last meeting. The Florida Fish and Wildlife Conservation Commission continues to work with consultants and other agencies to provide assistance as needed.

Florida Department of Environmental Protection – Ms. Vivian Garfein

Ms. Garfein introduced Christianne Ferraro for a presentation on Total Maximum Daily Load (TMDL) Study. Ms. Ferraro showed a map of impaired lakes and waters in the Wekiva Study

Area. Data from 1996 to present indicate coli forms above state standards and dissolved oxygen below state standards. Impairments are very different in different areas of the river; some bodies of water have sedimentation problems, while others have excessive nutrients.

The next steps include working with the SJRWMD to complete review of TMDL nutrient targets. There are also upcoming public meetings, and after adoption of TMDLs, work will begin on a Basin Management Action Plan (BMAP) in partnership with Orlando, Apopka, Altamonte Springs, Wekiva Springs, and Seminole, Lake and Orange Counties beginning in early 2008. The BMAP process will identify the most cost effective ways to restore impaired lakes and water bodies.

3. Discussions of Key Reporting Timelines

Florida Department of Community Affairs' Adoption of Land Development Regulations pursuant to Recommendation 14 of the Final Report – James Stansbury, Florida

Department of Community Affairs (FDCA)

Mr. Stansbury reported that the remaining Orange County comprehensive plan amendments are expected to be submitted by the end of December. Apopka is working on their land development regulations and, since the last meeting, Eatonville submitted their amendments thanks to some assistance from the Senator. The Department is trying to avoid an administrative hearing over the Ocoee amendments. Orlando's storm water and waste water documents will be completed by December. He reported on the progress of counties and cities adopting land development regulations, noting that many municipalities are in progress and have completion dated projected for the end of the calendar year.

Florida Department of Health's Rulemaking Activities on On-Site Disposal Systems Treatment Standards pursuant to Recommendation 9 on the Final Report – Gerald Briggs, Florida Department of Health (FDOH)

Florida Department of Health (FDOH)

Mr. Briggs reported that the FDOH is reviewing current recommendations. They are looking at 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 should require maintenance and inspection every five years beginning July 1, 2008, or when property ownership changes. All new systems should be performance based treatment systems providing pretreatment. He presented the proposed rule language for the Wekiva Study Area, calling for a 70% reduction in nitrogen and creating an inventory of all onsite systems in the Wekiva Study Area. The new language also addresses existing systems in need of repair, and land application restrictions specific to the Wekiva Study Area.

Senator Constantine opened the floor to public comment and recognized Mr. Mark Hooks of Infiltrator Systems, Inc. a manufacturer of septic tank systems. Mr. Hooks encouraged the Commission to look into new developments in the septic tank industry which are designed to support performance based treatment.

Mr. Gino Ratti, a citizen, expressed his surprise that septic tanks are still being blamed as the big problem. He contends it is the most efficient way to treat home sewage, perhaps better

that municipal sewer systems which have recently been reported to have 10% leak rates between home and sewage treatment plants. He also noted that earlier pie charts showed rainwater contributing 49% of nitrogen, while the new data does not include rainwater at all. He referred to the case of Lake Fairview eventually tracing their problem to sea gulls instead of septic tanks. He objected to the idea of going back to people who have a permitted and approved septic tank and saying sorry, we made a mistake.

Next, Mr. Dominic Buhot, a resident of Orange County, agreed that many lakes are impaired. He suggested that instead of blaming septic tanks, we could reduce the amount of fertilizers used or create incentives to install solar water heaters.

Mr. Bob Beitel of the Markham Woods Association spoke next. He would like to be able to tell the 2,900 homeowners in his area what to expect about their septic systems. Members of his homeowners association attend meetings, are involved, and are willing to spend the money in order to make a difference, but still have not seen evidence that existing septic systems contribute nitrates to the Wekiva River.

Next, Pam Tucker, a citizen and realtor, asked questions about the next steps with the Technical Review and Advisory Panel (TRAP) and Research Review and Advisory Committee (RRAC) panels. Mr. Briggs assured her that the input of the RRAC and TRAP provides valuable feedback. Senator Constantine said that TRAP and RRAC are statutory boards made up of special interest groups (realtors, home builders, septic tank industry, homeowners, etc) to make recommendations to the Department of Health. Ms. Tucker said she is concerned to know which areas will be put on sewer in 2011.

Mr. Lee has compared the costs between aerobic treatment and conventional systems. There are some increased costs, but in the context of the cost of new home construction, it is minimal. He also speculated that costs would go down with time, and the sooner we let the innovators loose, the sooner that can happen. Mr. Stansbury added that this is the only amendment under the Act that did not have a specific time deadline.

Mr. John Starkovich was recognized by the Senator. Mr. Starkovich returned the discussion to fertilizers, calling them 75% of the problem. He pointed out that no one needs a St. Augustine lawn or even a green lawn, but people need septic tanks. If fertilizers are outlawed in Central Florida, it would reduce the impact immediately. He expressed his confusion as to why this has not been done. He compared recent changes in allergy medications that are now controlled and require a signature, but he can go to any store and buy a truck load of nitrates. Mr. Starkovich suggested controlling fertilizer for a year and looking at the numbers again.

Senator Constantine asked Mr. Jody Lee to respond and update the Commission on fertilizer rules. Mr. Lee said a new state fertilizer rule is in effect that addresses how much nitrogen and phosphorus can be put into residential fertilizer. Existing inventory will be allowed until July 2008. The St. Johns River Water Management District also has a landscape design ordinance that is a good model, and a statewide irrigation recommendation is available to be incorporated into county ordinances. More and more counties are adopting the 2 day a week

ordinance. He conceded that the fertilizer rules do not stop a homeowner from buying 50 bags.

Senator Constantine stated that this Commission has addressed concerns about fertilizers and recognizes the risk they pose to the Wekiva River. There may be a perception that septic tanks have been singled out, which is inaccurate. Septic tanks have, however, presented special problems in the rule writing process. Mr. Green added that the legislature passed a fertilizer advisory bill that has a committee looking at regulations for compounds used in fertilizers in the state. The question was raised that if changes have already been made that will reduce the impact of fertilizers, what effect will that have on the pie charts, and how soon. Senator Constantine emphasized that this Commission wants to examine anything and everything that contributes to the problem. Each agency works on the area they have jurisdiction over, and the input of agencies and citizens makes the process work. Mr. Schue suggested that the next meeting could address whether everything that can be done at the local level is being done, along with a report on fertilizers.

Commissioner Carey commented that the Evaluation and Appraisal Report (EAR) amendments can address some issues regarding land development code and landscaping regulations. Some areas of Seminole County currently require St. Augustine grass, which has a high rate of fertilizer run off. Municipalities and homeowners associations need help getting their lakes under control.

There was an exchange between Mr. Briggs and Mr. John Byrd, Orange County Commissioner Brummer's Aid, about whether or not the proposed rule requires new construction to have septic systems with new technology. Senator Constantine assured everyone that these items will be included in every meeting until there is a resolution, and that he will recommend language be added to include new construction.

St. Johns River Water Management District, Update of Minimum Flows and Levels for Rock Springs and Wekiva Springs pursuant to Recommendation 4 – Dr. Sonny Hall

Dr. Sonny Hall gave a brief history on the legislative background of the Wekiva River Basin, beginning with a 1988 statute directing the St. Johns River Water Management District (SJRWMD) to establish Minimum Flows and Levels (MFLs). The Wekiva Parkway and Protection Act calls for an update to those numbers by December 2007. After studies, work by consultants, and expanded ecological monitoring, it has been verified that minimum flows are being achieved, but levels are not because of changes in the river channel. The US Geologic Survey (USGS) has to continually readjust the relationship between flow and level. Bridge construction has played a part, and the SJRWMD is proposing adding monitoring sites upstream of the SR 46 location.

Dr. Hall then showed a map showing areas that are projected to have supply water demands shortfalls by 2025. Approved water supply projects are being looked at in the East Central Florida area because of large population demands in the area.

Mr. Schue asked about moving the monitoring location. He also brought up the restoration effort done at the railroad crossing area to restore the original topography and asked if a

similar restoration project might be recommended in Seminole County. Dr. Hall responded that the SJRWMD is considering monitoring sites both upstream and downstream, and prefers flats sites which are typically more stable.

Commissioner Carey asked about water a supply facility labeled as Site 10 on the map. Barbara Figuerro of the SJRWMD responded that there are three sites being looked at on the St. Johns River. Some have questioned if 2 projects or 3 projects will be needed due to significant demands estimated at 150 million gallons a day by 2030.

4. Future Meeting Dates

Senator Constantine noted that legislation will potentially be up for consideration in January or February 2008 which is essential to moving forward with this project. He asked the ECFRPC staff to contact Commission Members with possible dates in January/February 2008 and to inform all interested persons when a meeting date is established.

5. Public Comment

The floor was opened to public comment. There were no new requests to speak from the public.

6. Adjournment

Senator Constantine thanked everyone for their input. A Motion to adjourn was made, seconded and unanimously passed. The meeting was adjourned at 4:58 p.m.