



DATE: January 9, 2017

TO: Members of the Southeast Florida Utility Council (SEFLUC)

FROM: Christopher Pettit, Palm Beach County.

SUBJECT: **DRAFT Joint Meeting Minutes - Monday, December 12, 2016
9:00 – 2:00 PM**
City of Boca Raton
1501 NW Spanish River Blvd
Boca Raton, Florida 33431

Roll Call:

David Childs
Lisa Wilson-Davis
Paul Steinbrecher
Brian Wheeler
Patty DiPiero
Jo Ann Jackson
Lauren Burack
Tyler Davis
Dan Suarez
Robert Hunt
Anne Murray
Jay Ameno
Scott Richards
Joe Patterniti
Chuck Sinclair
Kevin Carter
Pam Keyes
Ron Cavalieri
Sharon Trost
Ed De la Parte
Valier Schulte
Sondra Myera
Glenn
Joe Stephens
Chris Pettit

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Martin County

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Seacoast Utility
Authority

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Miami-Dade WASD

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City of Sunrise

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City of Boca Raton

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Palm Beach County



Sherry Negahban
Randy Brown
Virginia Walsh

Telephone:
Sondra Lee
Jeff Grenewell
Monica Autrey
Sherri Lovely
Suzanne Goss
Rick Hutton
Don Palmer
Jim McElroy

I. Welcome/Call to Order

Lisa Wilson-Davis (Boca Raton) called the meeting to order at 9:35 a.m.

II. Roll Call & Introductions

III. Approval of Meeting Minutes

Lisa Wilson-Davis presented the FWEAUC November 3, 2016 meeting minutes for approval. A MOTION TO APPROVE THE MEETING MINUTES WAS MADE BY BRIAN WHEELER AND SECONDED BY PAUL STEINBRECHER. ALL IN FAVOR. MOTION APPROVED>

SEFLUC Meeting Minutes for November 9, 2016 was presented for approval. A motion to approve the Minutes was made by Sherry Negahban and seconded by Kevin Carter.

IV. Budget Report

Donald Palmer provided the FWEAUC budget report. The UC received several membership dues payments. The NNC Assessment is being reduced through credits to utilities who paid assessments. If you have not yet paid your dues, please do so at your earliest convenience.

SOUTHEAST FLORIDA UTILITY COUNCIL TREASURER'S REPORT

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Opening Balance:	November 1, 2016	\$90,980.44
Deposits:		\$00.00
Disbursements:		\$3,041.95
Closing Balance:	November 30, 2016	\$87,938.49

A motion to approve donation of \$1000 to Water for People and \$1000 to Engineers Without Borders was presented for approval. Motion to approve was made by Natalia Garcia and seconded by Randy Brown

V. FDEP Day Recap

The Utility Council had its annual FDEP Day on November 3, 2016. There has been much change and turnover at DEP recently. Drew Bartlet was in attendance along with other agency staff. Overall it was a successful meeting with good dialogue. DEP notified the Utility Council of their efforts to work toward funding for disadvantaged communities. Septic tank conversions were also discussed.

VI. Regulatory Update

Pollution Notification

The pollution notification rule has been challenged arguing that DEP did not have authority to institute the rule nor did DEP consider the lower cost regulatory alternatives proposed. The Emergency Rule will remain in effect until the rule challenge is successful or the emergency rule expires. There is anticipation that the challenge may be successful but another rule may be proposed in its place. The hearing on the rule challenge is December 20. The final order on the validity of the rule must be issued within thirty days. Either way, the legislature will address pollution noticing next session.

As a result of the challenge, the emergency rule may be in effect longer than originally planned. However, we may also get some relief from the existing rule depending on the result of the challenge. The Utility Council recommends that utilities continue to follow the rule as written. Judge Cantor will not provide guidance on the rule; he will either uphold it, invalidate it or both for specific portions.

The Utility Councils need input from utilities on their views of what a reporting program should look like. One suggestion was that the utilities be responsible for reporting pollution, not DEP, to improve timeliness and information.

WOTUS Litigation

The Waters of the United States litigation is moving forward. However, with a new incoming administration, if the rule gets pulled no further action will be needed. The Department of Justice's brief is

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due two days prior to Trump's inauguration. Mr. Childs relayed his opinion that there will likely be much pull back from the EPA during the next administration.

VII. Legislative Update

Reclaimed Water

The reclaimed water efforts are status quo. Recommendations on reclaimed water have been sent to DEP. Christine Morris provided an update at DEP Day. DEP has not yet met with Senator Simpson which is disappointing. Ryan Matthews has been promoted to a new position but he has vowed to see this through. David Childs met with Senator Simpson on Wednesday. The same policies provided to DEP were also provided to Senator Simpson's office.

2016 Hurricane Season Recap

There is heavy indication that legislation will be proposed regarding minimizing or eliminating sanitary sewer overflows. Utilities do their best at minimizing and preventing overflows, now they need to educate the legislature on these efforts. An open discussion ensued regarding prevention methods.

A utilities representative recently received a call from a DEP staffer asking about hurricane preparedness and problems arising from hurricanes and what utilities are doing to address them.

David Childs met with Representative Peters who had questions regarding pollution notification. She also inquired what could be done to limit sanitary sewer overflows. She has requested feedback and input from utilities. She wants to achieve well maintained utilities with less sanitary sewer overflows. She has requested a meeting with utilities representatives on either January 5 or 6.

Miami-Dade County has a consent decree to eliminate sanitary sewer overflows. The program costs over \$2 Billion.

An incentive program was recommended similar to water conservation that may include permit extensions, TMDL credits, no interest loans, etc., to update and/or improve existing infrastructure. The City of Tallahassee has joined an EMS program. The idea behind the program is to identify risks and target/action plans to correct the risks. These items are then certified by a third party and reviewed by the City Manager. While this program has value, it is resource intensive.

Another recommendation provided was to license the collection system operators.

Another suggestion was to better streamline the state revolving fund program to address infrastructure issues. It was relayed that smaller utilities are having a harder time accessing funding.

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It was noted that some of the problems come from private property and utilities do not have the authority to access or repair those problems.

There was agreement that the cause of sanitary sewer overflows (wipes, blockages, grease, etc.) must first be identified. Furthermore, there are many private lift stations that are not overseen.

Finally, the rate of reinvestment and the benchmarks to reinvestment need to be considered.

VIII. Lobbyist Registration

A discussion ensued regarding lobbyist registration for utility representatives. Utility Council members should check with their local advisors if there is any question regarding their advocacy efforts, however, for the most part, utility representatives should not have to register as lobbyists given that it is not the majority of their professional responsibilities.

IX. Administrator's Report

The next meeting of the FWEA Utility Council will be a Joint Meeting with the FSAWWA Utility Council. This meeting has been relocated to Tallahassee to coincide with the FSAWWA Utility Council Fly-In. The meeting date is still to be determined but will likely take place on January 24, 25 or 26.

The next meeting of the SEFLUC will be on January 9 from 1:30-4:30 in Boca Raton at 6500 Congress Ave.

X. Presentations

- a) Water for People Presentation: Anne Murray, Martin County
- b) Engineers Without Borders Presentation: Maurice Tobon, Tobon Engineering
- c) Water Climate Alliance Presentation: Chris Pettit, Palm Beach County and Maruice Tobon, Tobon Engineering

XI. SEFLUC Upcoming Presentations (January 9, 2016)

- a) "Presentation for PDH Credit by CDM Smith representatives"

Adjourn at 2:40 pm

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