



DATE: October 10, 2016
TO: Members of the Southeast Florida Utility Council (SEFLUC)
FROM: Christopher Pettit, Palm Beach County.
**SUBJECT: DRAFT Meeting Minutes - Monday, September 12, 2016
1:30 – 4:00 PM**
City of Boca Raton
6500 Congress Avenue
Boca Raton, Florida 33487

1) Administrative:

- a) Welcome, Call to Order (1:40 PM), introductions – Sherry Negahban, Miami Dade.
- a) Review and Approval of SEFLUC Meeting Minutes for July 11, 2016 – Chris Pettit, Palm Beach County

Motioned by Dennis Westrick, City of Coconut Creek
Seconded by Mike Bailey, Cooper City
Approved.

- b) Treasurer’s Report –Lauren Burack, City of Boca Raton.

The August Treasurer’s Report was provided as follows:

Opening Balance:	\$100,080.20
Deposits:	\$600.00
Disbursements:	<u>\$3,139.51</u>
March 31, Closing Balance:	\$97,540.69

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2) Regulatory/Legislative:

- a) Legislative/Regulatory Update- Lisa Wilson Davis, City of Boca Raton

Legislative Related

- **FDOT**
 - **Utility workgroup**
 - Tom Bane (FDOT) will be attending the September 21st Joint FSAWWAUC/FWEAUC meeting at OUC in Orlando
 - **Utility Accommodations Manual Revision (UAM)**
 1. FWEAUC provided lower cost regulatory alternative and request for hearing on proposed amendments.
 1. Undue and potentially costly burdens (tree removal/mitigation)
 2. On August 23rd, the Department withdrew the rulemaking
- **EDR (Office of Economic & Demographic Research) - *NO UPDATE***
- **SUNSHINE One-Call**
 - Proposing the following legislation:
 1. **s. 556.105(12)** If any contact with or damage to any pipe, cable, or its protective covering, or any other underground facility occurs, the excavator causing the contact or damage shall immediately notify the member operator. If any contact with or damage to an underground pipe results in the escape of any natural and other gas or hazardous liquid regulated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation, the excavator must immediately report the contact by calling the 911 emergency telephone number. Upon receiving notice, the member operator shall send personnel to the location as soon as possible to effect temporary or permanent repair of the contact or damage. Until such time as the contact or damage has been repaired, the excavator shall cease excavation or demolition activities that may cause further damage to such underground facility. When an event giving rise to a notice results in damage to any pipe, cable or its protective covering, or any other underground facility, the member operator receiving the notice shall file a report with the system. Reports shall be submitted to the center annually, no later than March 31st for the prior calendar year, or more frequently at the option of the member operator. The report

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shall describe, if known, the cause, nature and location of the damage. The system shall establish and maintain a process to facilitate submission of reports by member operators.

- Feedback?

- **FDEP Reclaimed Workgroup**

- Meeting in Jacksonville on August 22nd.
- Next meeting will be held by webinar sometime in early October.
- FWEAUC/FSAWWAUC developed draft legislation and summary list of changes: These proposals incorporate suggestions made at the August FWEA Utility Council board meeting, address issues raised by the Florida Stormwater Association and agricultural representatives, and overall, should facilitate the development of reclaimed water through various incentives and clarifications to existing programs. The Utility Council provided these recommendations to FDEP.

- **373.223 Conditions for a Permit**

- Public Interest Test
 - A requested withdrawal that would use an impact offset, substitution credit, or water supply development credit is presumed to be in the public interest when the benefits of the offset or credit have been evaluated by a water management district

- **373.250 Reuse of Reclaimed Water**

- Reclaimed Water Service Areas
 - Requires a water management district to document any decision not requiring reclaimed water when it is available for non-potable use in a reclaimed water service area.
 - Prioritizes the use of reclaimed water for lawn, landscape, and turf irrigation over other water sources in reclaimed water service areas.
- Impact Offsets
 - Provides an explanatory list of projects that would be considered impact offsets, such as the use of the reclaimed water to prevent or stop further saltwater intrusion, raise aquifer levels, etc.
- Water Supply Development Credits
 - A new incentive policy to promote reuse in areas that are not currently experiencing water supply limits or shortfalls.
 - Defined as the quantity of water made available by the use of reclaimed water in such areas, which increases the amount of water available from existing sources and would allow the provider of the reclaimed water the additional water developed for its use.

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- **Permitting**
 - Directs FDEP to develop a uniform rule for incorporating offsets and credits into permits at renewal, issuance, or extension.
 - Provides that a credit or offset may be applied against an MFL.
- **Feasibility Guidance**
 - Directs FDEP, FDACS, et al. to coordinate in developing reuse feasibility guidance for agricultural users of reclaimed water.
- **Stormwater Supplementation**
 - Directs FDEP to update stormwater supplementation rules to facilitate the use of stormwater to help meet peak demands.

373.309 Authority to adopt rules and procedures

- **Well Construction Permits**
 - Prohibits the construction of new wells for non-potable use when reclaimed water has been determined to be available and feasible for the use.
 - Exempts new wells for backup supplies and agricultural uses.

373.709 Regional water supply planning

- **Reclaimed Water Utilization**
 - Requires 20-year RWSPs to include reclaimed water use component.
 - Links reuse feasibility studies to RWSPs.
 - Requires evaluation of project's relationship to TMDL, BMAP, RAP, and MFL implementation; its cost-effectiveness; and its overall water resource benefits.

403.xxx Direct Potable Reuse

- **Direct Potable Reuse Study**
 - Requires FDEP, WMDs, FDOH, and others to prepare a report of direct potable reuse.
 - Defines direct potable reuse.
 - Requires the examination of other areas now implementing direct potable reuse, identify the regulatory criteria needed and recommend a regulatory framework that could authorize direct potable reuse.
 - Requires the report to be completed by Dec. 1, 2018 and rulemaking no later than June 1, 2019.

Regulatory

- **Waters of the US Litigation**

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- U. S. Court of Appeals for the 6th Circuit will likely be the Court that decides the challenges against the rule – most parties in Florida also filed in the court.
 - National Association of Manufactures filed petition for certiorari on 9/2 with U.S. Supreme Court to determine if 6th Circuit vs. district courts has authority over the rule challenges.
- More to come.....

- **Human Health Based Criteria**

- Public hearing at the ERC (Environmental Regulatory Commission) meeting was on July 26th
 - Passed 3-2
 - Two notices of change published on August 4th
 - One is “wording” revisions to include a reference to the Class-I Treated subclassification.
 - Seconds adds “In addition, the Department has reorganized the criteria in the rule 2-302.530, F.A.C. table to be in alphabetical order for clarity. The department has prepared an annotated version of the table in rule 62-302.530, F.A.C., that provides cross references to the original location of the criteria in the table and identifies which criteria are new. This table is available for public viewing at the following website: <http://www.dep.state.fl.us/water/wqssp/health.htm>.”
 - Seminole Tribe, Martin County, and the City of Miami, and pulp and paper industry filed suit – Florida “rushed through new, very complex criteria for more than 80 water toxins without properly notifying the public”.
 - Focus has been on who filed what/when

- **NPDES Rulemaking – NO UPDATE**

- **DEP Notice of Proposed Rule – adopting by reference revisions to EPA’s Public Notification requirements relating to the Revised Total Coliform Rule (RTCR) – NO UPDATE**

- **FDEP Bacteriological TMDL – NO UPDATE**

3) Events update:

a) Upcoming Events – Lisa Wilson Davis, City of Boca Raton

➤ See SEFLUC Website: www.sefluc.org

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- If you have events you would like to share and have put on the SEFLUC calendar, please send an e-mail with the information to Lisa Wilson-Davis at lwilsondavis@myboca.us

4) Utilities Issues Committees – Sherry Negahban, Miami Dade.

5) Presentations:

- a) "Florida Keys Aqueduct Authority: A Fly-Over" by Donald Hubbs, Assistant Manager of Engineering, Florida Keys Aqueduct Authority
- b) "SFWMD Water Supply Project Database (WaSUP) 2016" by Deborah Oblaczynski, Policy and Planning Analyst, SFWMD Water Supply Bureau

6) SEFLUC Business– Sherry Negahban, Miami Dade.

- a) Report of Activities by Sherry Negahban, Miami-Dade WASD

7) SEFLUC Upcoming Meeting Presentations (October 10, 2016)

- a) "Technology Planning for Smart Integrated Infrastructure (SII)", by Rafa Frias, Black & Veatch

Meeting Adjourned at 3 PM

Next Meeting

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