



FWEA Utility Council

Protecting Florida's Clean Water Environment

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**Minutes (SEFLUC Version) of the 12/14/15 FWEA Utility Council &
Southeast Florida Utility Council Joint Meeting
City of Boca Raton
Boca Raton, Florida**

I. Call to Order

Brian Wheeler called the meeting to order at 9:15 a.m. There is a quorum present.

II. Approval of FWEA Utility Council Meeting Minutes

The November 6, 2015 Meeting Minutes were presented for approval.

A MOTION TO APPROVE THE FWEA UTILITY COUNCIL MEETING MINUTES FOR NOVEMBER 6, 2015 WAS ENTERED BY JEFF HALCOMB AND SECONDED BY PAUL STEINBRECHER. ALL IN FAVOR. MOTION PASSED.

Approval of SEFLUC Meeting Minutes

The November 9, 2015 Meeting Minutes were presented for approval.

A MOTION TO APPROVE THE SEFLUC MEETING MINUTES FOR NOVEMBER 9, 2015 WAS ENTERED BY NATALIA GARCIA AND SECONDED BY RANDOLPH BROWN. ALL IN FAVOR. MOTION PASSED.

III. Budget & Dues

FWEA Invoices for membership dues have been sent out. If you have not yet received an invoice, please let us know. We have received about a third of the dues payments (approx. \$90,000). Thank you to those who have submitted your membership dues. As for our operating account, we currently have a balance forward of over \$300,000.

Approval of SEFLUC Budget for 2016

The SEFLUC Budget for 2016 was presented for approval.

A MOTION TO APPROVE THE SEFLUC BUDGET FOR 2016 WAS ENTERED BY RANDOLPH BROWN AND SECONDED BY NATALIA GARCIA. ALL IN FAVOR. MOTION PASSED.

A MOTION TO INCREASE THE DONATION AMOUNT FROM SEFLUC TO WFP AND EWB FROM \$500.00 TO \$1,000.00 FOR EACH ORGANIZATION, WAS ENTERED BY BRANDON SELLE AND SECONDED BY LAUREN BURACK. ALL IN FAVOR. MOTION PASSED.

IV. Bylaw Amendments

The proposed amendments to the bylaws were distributed for review by the Board of Directors and included in the agenda package. The main amendments include adding two directors-at-large, removing the NAWCA Liaison and removing the FWEA's approval of the Utility Council's Budget. The proposed amendments will be sent to the membership for approval. These Bylaws will need to be approved an affirmative vote of two-thirds of the responsive members.

A MOTION TO SEND THE BYLAW AMENDMENTS TO THE MEMBERS FOR APPROVAL WAS MADE BY LISA WILSON-DAVIS AND SECONDED BY JEFF HALCOMB. ALL IN FAVOR. MOTION PASSED.

V. Regulatory Update

Reclaimed Water Study

The Reclaimed Water Study has been released. The final study was similar to recent drafts and was still short on policy recommendations. Tom Bartol, Rick Hutton, Chuck Underwood, Jan McLean, Lisa Wilson-Davis, Jeff Halcomb and David Childs met with Senator Simpson in November regarding reuse. It was a very positive meeting and Senator Simpson was very receptive to moving forward with reclaimed water legislation. The Senator stated that reclaimed water legislation is more likely to happen in the 2017 session. The Utility Council sent him language on mandatory reuse zones and irrigation well permitting. The Utility Council will not advance reclaimed water legislation this session out of respect for Senator Simpson's request. The Utility Council will be advocating mandatory reuse zones and prioritizing reclaimed water over other low quality sources.

Triennial Review

The ERC hearing on Triennial Review was held the second week of December. The proposed rule amendments were adopted. DEP proposed rule language to define estuaries to include tightly influenced creeks listing them as impaired if they exceed chlorophyll A levels. However, ERC did a strike through amendment removing the tightly influenced creeks language. They also deleted the equitable abatement language. The ERC did adopt the fecal indicator bacteria criteria.

Putnam County Environmental Council, Inc. v. St. Johns River Water Management District Litigation Status Update

This case was heard before the Governor and Cabinet with the Putnam County Environmental Council asserting that the St. Johns River Water Management District's water supply plan had a number of defects, primarily that it lists surface waters as an alternative water supply. The Governor and Cabinet agreed with DEP, the SJRWMD and the Utility Council's arguments that surface water flows can be an alternative water supply. The Governor and Cabinet also rejected the claims that the public process was inadequate. We expect that the Putnam County Environmental Council will appeal to the First District Court of Appeals.

Septage Application, Prohibition, Disposal Alternative Discussions

The Department of Health, DEP and representatives of the Florida Onsite Association and Florida Rural Water Association have met to discuss what will happen when the septage application ban goes into effect on July 2016. A legislative bill to repeal the septage has been filed. Sondra Lee has been attending meetings with DEP on the issue and is head of the Utility Council's septage committee. The Utility Council is using the septage issue to try to get DEP to take more responsibility over septic tanks.

FDEP Bacterial TMDL

There have not been any further developments since the triennial review process coming to close. The Utility Council would like to see BMPs and good SSO response programs to address these issues. As long as utilities are complying with the requirements those efforts should be sufficient. The utilities should not be responsible for other contributors. DEP argues that human bacteria indicators are so effective that they can pinpoint the anthropogenic sources. However, the Utility Council does not agree with this argument. While there are incidents where the human indicator bacteria did pinpoint the source, this is more of the exception than the rule. Utility Council representatives Ted McKim, Ed Cordova and David Childs will be preparing a new proposal for DEP's review. The Utility Council does not support a state TMDL.

62-600 Concentrate Rule Revision

Demineralized concentrate was removed from the definition of industrial wastewater.

Aboveground Storage Tanks Rulemaking

DEP has been reviewing Ch. 62-762 for over two years. DEP has released the rule revisions for Ch. 62-671 which regulates belowground storage tanks. DEP plans on doing heavy amendments to the aboveground storage tank rules. DEP has taken comments on the changes and is currently in the last stage of rulemaking. DEP has responded well to local government comments regarding administrative requirements that would increase burdens on the utilities. The latest language has been distributed by DEP and they are currently taking the last round of comments.

State Revolving Fund

The state revolving fund process is still ongoing. There is an upcoming workshop in Tallahassee.

Central Florida Concentrate Disposal Alternative

CFWI has made a determination that the Upper Floridan Aquifer will not meet demands. Alternative water supplies need to be considered. The Lower Florida Aquifer is an option but would have to undergo concentrate disposal which is very expensive. A proposal has been developed to inject concentrate into the bottom portion of the Lower Floridan which would not create a deterioration of water quality. Marjorie Craig, Brian Wheeler, Chuck Drake and David Childs met with DEP before Thanksgiving regarding the option of concentrate disposal without having to go to a separate aquifer. DEP acknowledged that there is a need to find alternative water supplies and make them more flexible.

Hawaii Case

A Federal Judge in Hawaii found that discharge to groundwater requires an NPDES permit. His reasoning was that aquifer is a conduit of surface water and therefore is a surface water. This case has been appealed by a local utility in the 9th Circuit. A question has been posed as to what other states may want to file amicus briefs. The result of this case could have a significant precedent requiring NPDES and therefore EPA's review of the permit. A discussion ensued regarding whether or not the Utility Council would like to file an amicus brief. A decision was made to only monitor the case.

VI. Legislative Update

FSAWWA Utility Council Legislative Day Recap

The FSAWWA Utility Council met with senators regarding their agendas. It appeared that a majority of the Senators understood the Utility Council's positions and supported them.

Water Legislation Status

The Omnibus Water Bill (SB 552/HB 705) is set for passage in the early days of session. The bills have passed all of the committees. It is unlikely that there will be any floor amendments. Legislators have been fairly strong in their statements that they like the bills as it stands and they are ready to pass it. The largest effect that this bill will have will be on the regional water supply process. The legislature will also track how much

local and federal money is being spent on water. Projects will be funded through the regional water supply process.

CCNA Revisions

There were attempts to revise the CCNA legislation based on an Attorney General's opinion that was previously issued. There was a collaboration between the FSAWWA Utility Council, the Engineering Society, DMS, the Governor's Office and DOT to construct new language. However, that collaboration was unsuccessful in proposing new language. Language on the subject will not be proposed this year.

Utility Relocation

The Utility Relocation Bills (HB 461/SB 416) proposed that DOT or local governments must pay for utility relocation costs if the utility is found in an easement determined by recorded plat. There may be some opposition to this bill but otherwise seems to be primed for passage.

Utility Finance Securitization

This legislation provides the means for utilities to finance capital improvements by designating a fee on the utility bill, which in turn would give the utility an AAA financing rating without having to buy bond insurance. The original bill was written so that only FGUA would be allowed to take advantage of this feature. There have been attempts to amend the legislation to include all utilities, which could be extremely beneficial for smaller utilities. Toho Water Authority is pushing the amendment. If other utilities would like to support the amendment, please contact Brian Wheeler.

Public Records

This is legislation proposed by OUC. It exempts certain records from public records disclosure requirements such as facility plans, security plans, etc. This bill still has quite a bit to go before it's heard for passage. There is usually much scrutiny when it comes to public records. It will likely get pushed to next session.

FSAWWA Utility Council Bill

This legislation includes a feasibility study on utilities relocation on state roads, a provision removing the Land and Water Adjudicatory Commission from review of district decisions and the repeal of 373.245. These bills are moving forward and should be filed soon.

VII. Administrator's Report

The next meeting will be on February 5, 2016. A discussion ensued on whether or not to change the meeting date to correspond with the FWEA seminar on February 18.

A MOTION TO CHANGE THE NEXT FWEA MEETING DATE FROM FEBRUARY 5, 2016 TO FEBRUARY 19, 2016 WAS MADE BY TED MCKIM AND SECONDED BY JEFF HALCOMB. ALL IN FAVOR. MOTION PASSED.

The next meeting will now be on February 19, 2016 in Hillsborough County.

The Utility Council was contacted regarding potential sponsorship of the Annual Meeting by American Water Resources if they could make a presentation at the meeting. A discussion ensued. A decision was made to decline their sponsorship offer.

VIII. Adjournment

The meeting adjourned at 11:20 a.m.