



**WITHLACOOCHEE
REGIONAL
WATER
SUPPLY
AUTHORITY**

Board Meeting Package

November 17, 2010
4:30 p.m.

Meeting Location:

SWFWMD Headquarters
Governing Board Meeting Room
2379 Broad Street (US 41 South)
Brooksville, Florida 34604-6899



WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY

MEMORANDUM

To: Water Supply Authority Board of Directors and Interested Parties
From: Jackson E. Sullivan, Executive Director
Date: October 28, 2010

Subject: Monthly Meeting of the Withlacoochee Regional
Water Supply Authority

The next meeting of the Withlacoochee Regional Water Supply Authority will be on **Wednesday, November 17, 2010, 4:30 p.m.**, at the **SWFWMD Headquarters Governing Board Meeting Room, 2379 Broad Street (US 41 South), Brooksville, Florida 34604-6899.**

Enclosed for your review are the following items:

- Agenda
- Minutes of the October 20, 2010 meeting
- Board Package*

* Copies of the Board Package are available through the Internet. Log on to www.wrwsa.org. On the Authority's Home Page go to the top of the page and click on "Minutes&Notices." On the right side of the "Minutes&Notices" page is a button for the current Board Package. Click on the Board Package to download and print the Board Package.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes that testimony and evidence upon which the appeal is to be based.

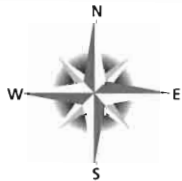
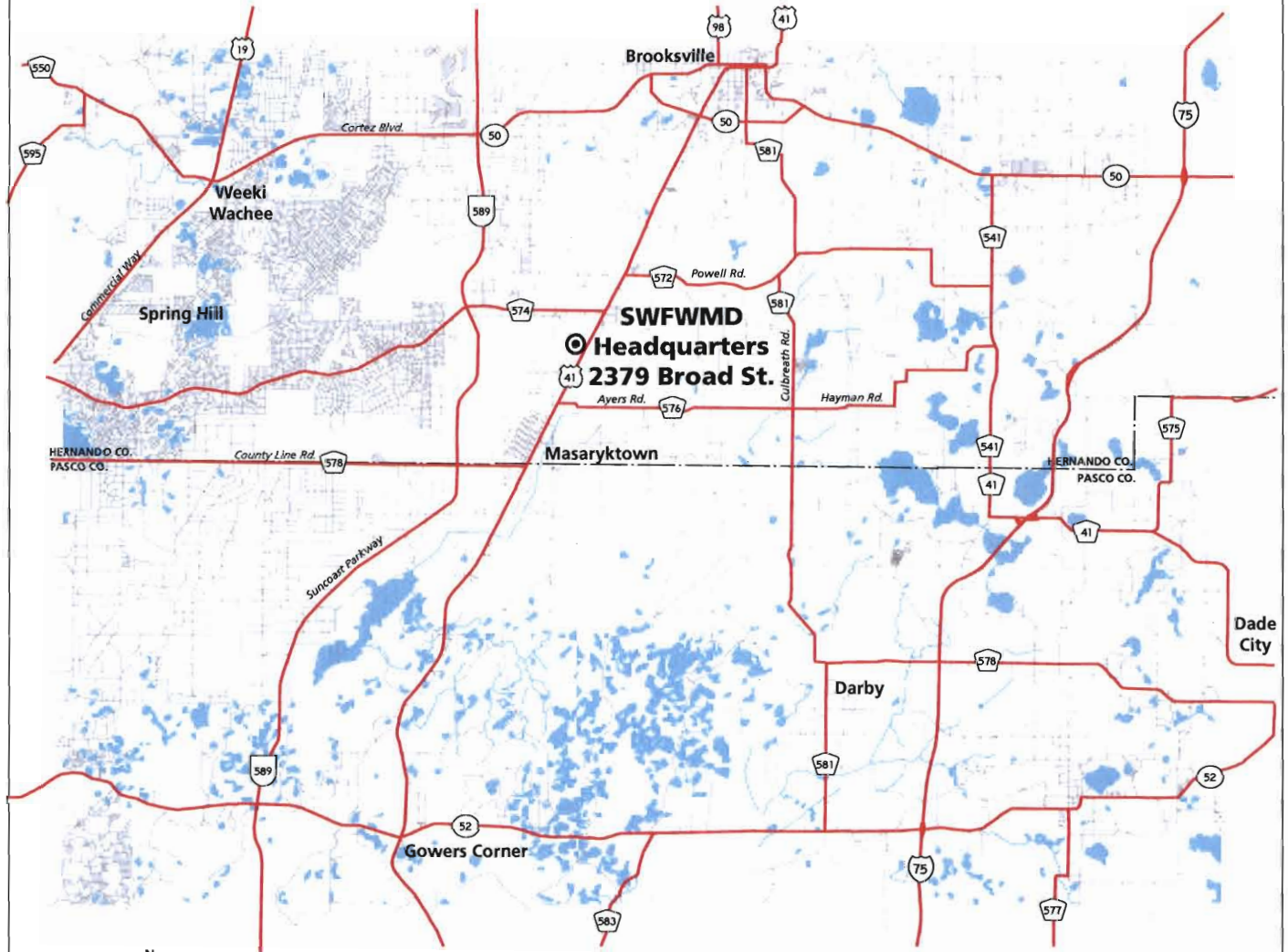
Enclosures

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Brooksville Service Office

of the Southwest Florida Water Management District



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**WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY
BOARD OF DIRECTORS MEETING
AGENDA**

**SWFWMD Headquarters Governing Board Meeting Room
2379 Broad Street (US 41 South)
Brooksville, Florida 34604-6899**

**November 17, 2010
4:30 p.m.**

- Item #1 Call to Order**
- Item #2 Roll Call**
- Item #3 Introductions and Announcements**
- Item #4 Presentation of Plaque of Appreciation to Commissioner Gary Bartell**
- Item #5 Approval of Minutes of October 20, 2010 Meeting**
- Item #6 Report on Inglis Hydropower Application ... Pete Hubbell, Water Resource Associates**
- Item #7 Report on status of the Minimum Flows and Levels for the Withlacoochee system ... Dr. Marty Kelly, SWFWMD**
- Item #8 Report on proposed changes to the District's Water Shortage Plan... Lois Sorensen, Demand Management Program Manager, SWFWMD**
- Item #9 Executive Director's Report ... Jack Sullivan, WRWSA**
 - a. Bills to be Paid**
 - b. 2009-10 Audit Schedule**
 - c. Correspondence**
 - d. News Articles**
- Item #10 Legislative Update ... Diane Salz, Legislative Consultant**
- Item #11 Attorney's Report ... Larry Haag, WRWSA Attorney**
- Item #12 Other Business**
- Item #13 Public Comment**
- Item #14 Next Meeting Time and Location ... December 15, 2010, 4:30 p.m., Withlacoochee Regional Planning Council Headquarters Conference Room, 1241 SW 10th Street (SR 200), Ocala, Florida 34474-0323**
- Item #15 Adjournment**

4. Plaque of Appreciation

Withlacoochee River Picture

Presented To

Commissioner Gary Bartell

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**In Appreciation for His Service to the
Withlacoochee Regional Water Supply Authority**

1994 - 2010

**5. October 20,
2010 Minutes**

**WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY
BOARD OF DIRECTORS MEETING MINUTES
October 20, 2010**

TIME: 4:30 p.m.
PLACE: Withlacoochee Regional Planning Council
1241 SW 10th Street (SR 200)
Ocala, Florida 34471-0323

The numbers preceding the items listed below correspond with the published agenda.

1. Call to Order

Chairman Richard Hoffman called the Withlacoochee Regional Water Supply Authority (WRWSA) meeting to order at 4:35 p.m. and asked for a roll call.

2. Roll Call

Mr. Jack Sullivan, Executive Director, called the roll and a quorum was declared present.

MEMBERS PRESENT

Richard Hoffman, Chairman, Sumter County Commissioner
Barbara Fitos, Vice-Chairman, Marion County Commissioner
Rose Rocco, Treasurer, Hernando County Commissioner
Mike Amsden, Marion County Commissioner
Dennis Damato, Citrus County Commissioner
Christine Dobkowski, Belleview City Commissioner
Stan McClain, Marion County Commissioner
Mary S. Rich, Ocala City Councilwoman

MEMBERS ABSENT

Jim Adkins, Hernando County Commissioner
Gary Bartell, Citrus County Commissioner
Joe Bernardini, Brooksville City Councilman
John Druzbeck, Hernando County Commissioner
Ken Hinkle, Inverness City Councilman
Randy Mask, Sumter County Commissioner
John Priester, Ocala City Councilman
David Russell, Hernando County Commissioner
Dale Swain, Bushnell City Councilman
Winn Webb, Citrus County Commissioner

3. Introductions and Announcements

Mr. Sullivan introduced others in the audience.

OTHERS PRESENT

Jack Sullivan, WRWSA Executive Director
Larry Haag, WRWSA Attorney
Diane Salz, WRWSA Legislative Liaison
Alys Brockway, Hernando County Utilities
Kim Dinkins, Marion County
Al Grubman, TOO FAR
Dan Hilliard, Withlacoochee Area Residents, Inc.
Peter Hubbell, Water Resource Associates
Cara Martin, SWFWMD
James Morgan, Citrus County
Darrell Muse, City of Ocala
Joseph Quinn, SWFWMD
Richard Radacky, City of Brooksville
Peter Rocco, Hernando County Citizen
Tahla Paige, Recording Secretary

4. Presentation of Plaque of Appreciation to Commissioner Gary Bartell

Chairman Hoffman announced that Mr. Bartell could not attend today's meeting. By consensus of the board, it was agreed to present Mr. Bartell with his plaque at the November meeting.

5. Approval of Minutes of September 15, 2010 Meeting

A copy of the minutes was provided in the board packet for review.

Following consideration, **a motion was made by Ms. Rocco to approve the minutes for the September 15, 2010 meeting. The motion was seconded by Mr. McClain and carried unanimously.**

6. Report on Use of CFBC as a Water Supply

Mr. Sullivan stated the board packet included a memorandum outlining a proposal by Mr. Dan Hilliard, Withlacoochee Area Residents, Inc., to use the Cross Florida Barge Canal (CFBC) as an alternative water supply. Mr. Hubbell reviewed the idea, which included installation of a structure to help prevent saltwater intrusion and create a fresh water reservoir six miles downstream of the Inglis Lock. He stated competition for the use of the Lower Withlacoochee River included planned withdrawals from the CFBC by Progress Energy for the Levy County Nuclear Power Plant, potential restoration projects developed by Southwest Florida Water Management District (SWFWMD), and development of Minimum Flows and Levels (MFLs) for the Lower Withlacoochee River by SWFWMD. In conclusion, Mr. Hubbell stated the project was an interesting proposal; however, it would require an in-depth level of analysis to determine the viability of the project. He said one concern was the low level of water quality. Mr. Hubbell recommended to the Board to accept this project as a long-term (20 to 25 years) alternative water supply project to be studied for consideration and development in the future when other alternative water supply projects are further analyzed. Mr. Damato agreed there were various issues with the project

Mr. Hilliard felt the assessment by Mr. Hubbell was correct. However, he noted the water was not wasted (fresh water going into saltwater) as the Lower Withlacoochee River feeds a vibrant estuary. Mr. Hilliard also noted current studies showed a new bridge on US Highway 19 over the river as part of the expense for the project, which he felt was an unnecessary expense. Discussion continued on the water quality of the river, location of the project, the intensive study needed for the project, and future growth's affect on water demand.

Mr. Sullivan's recommendation was to accept the Withlacoochee Area Residents, Inc. proposal as a potential alternative water supply (AWS) project for consideration as a long-term water supply project along with the other AWS projects approved in the WRWSA's Water Supply Master Plan. It is also recommended that further analysis of the project not take place until the time in which these long-term AWS projects are further analyzed for consideration and development in the future.

Following consideration, **a motion was made by Mr. McClain to approve the recommendation of the Executive Director on this project. The motion was seconded by Ms. Rocco and carried unanimously.**

7. Executive Director's Report

a. Bills to be Paid

Mr. Sullivan provided a handout to the Board detailing October 2010 bills, which totaled \$70,112.93. Mr. Sullivan requested the Board approve the payment of those bills.

Following consideration, **a motion was made by Ms. Fitos to approve payment of the October 2010 bills totaling \$70,112.93. The motion was seconded by Mr. McClain and carried unanimously.**

b. 2010-11 Board Meeting Schedule

Mr. Sullivan presented the upcoming year's meeting schedule for approval.

Following consideration, **a motion was made by Ms. Rocco to approve the 2010-11 meeting schedule as presented. The motion was seconded by Mr. McClain and carried unanimously.**

c. Report on Progress re: FERC Inglis Hydropower Application

Mr. Sullivan stated he had contacted Paul Williams, SWFWMD to discuss the issues of concern to both the Authority and SWFWMD. Pete Hubbell had also called Inglis Hydropower, LLC to schedule a meeting to discuss the project, and he hoped to conclude the meetings and have staff recommendations to present at the November WRWSA Board meeting.

d. Follow-up on Recommendations of FEMA re: Oil Damage from Hurricanes

Mr. Sullivan included in the board packet the website address to review FEMA's Public Assistance Debris Management Guide and a copy of the letter he wrote to EPA requesting information on how a major storm or hurricane may affect the spread of oil

inland. Mr. Sullivan stated he would report back to the WRWSA Board as soon as he received a response.

e. Correspondence

Mr. Sullivan reviewed a memorandum from Dr. Martin Kelly, Minimum Flows and Levels Program Director, Resource Projects Department, SWFWMD, on the establishment of MFLs. Mr. Sullivan plans to request that Dr. Kelly give a presentation at the next WRWSA meeting.

This item was presented for the Board's information; no action was required.

f. News Articles

Mr. Sullivan provided news articles on water supply issues relating to areas both regional and statewide.

This item was presented for the Board's information; no action was required.

8. Legislative Update

Ms. Diane Salz stated there are currently various legislative members making campaign promises to repeal portions of the current SB 550. After the General Election, there will be new committee members and committee chairs. She stated there is a movement to change water law again. Ms. Salz expects to see a lot of activity in the upcoming month and plans to have a more extensive report next month. She gave a brief review of the proposed changes to the SWFWMD's Water Shortage Plan. Ms. Salz asked the Board if she should ask Lois Sorensen, SWFWMD, to speak at the next meeting on the changes. The WRWSA board agreed they would like the presentation. Ms. Salz stated the EPA announced a short extension for the Florida Nutrients Inland Water Rule until November.

Mr. Damato expressed his concern for the provision in SB 550 requiring septic tanks inspections and cost incurred by property owners. Mr. Damato asked Ms. Salz to find out how many Counties currently have a septic tank inspection program upon sale of a residential structure.

9. Attorney's Report

Mr. Haag stated he did not have any additional items to report to the WRWSA.

10. Other Business

None.

11. Public Comment

Mr. Richard Radacky, City of Brooksville, asked if the WRWSA Board knew what the use is for the 24" or 36" pipes being installed in the Progress Energy right-of-way in Citrus County. Mr. Damato stated it was a massive project to import natural gas from Alabama to Miami, Florida. Mr. Radacky expressed his concerns on the pipe work crossing the Withlacoochee River and possible effects to the ecosystem.

12. Next Meeting Time and Location

Next meeting is scheduled for November 17, 2010 at 4:30 p.m., at the Southwest Florida Water Management District Headquarters, Governing Board Room, 2379 Broad Street (US 41 South), Brooksville, FL 34604.

13. Adjournment

Chairman Hoffman announced there was no further business or discussion to come before the Board and adjourned the meeting at 5:20 p.m.

Richard Hoffman, Chairman

Jackson E. Sullivan, Executive Director

6. Inglis Hydro- power Application

**MEMORANDUM**

November 1, 2010

To: Board of Directors, WRWSA
From: Jack Sullivan, Executive Director

Re: Inglis Hydropower (IH) Federal Energy Regulatory Commission (FERC) Application

Pete Hubbell and I have recently met with the SWFWMD staff to determine their impressions of the IH project. The most important information to come out of that meeting on October 28, 2010 was the fact that in the IH application and operations plan, the SWFWMD has full control over how much water comes down the by-pass canal. There is no reservation of water by IH for operation of their generators. They will use only the water that comes down the by-pass canal and the District controls that amount of water.

Based on this fact, the major concerns of the Authority would be significantly diminished because development of the IH project would not inhibit the District from issuing a water use permit to the Authority in the future to develop a water supply at Lake Rousseau or on the upper reaches of the Withlacoochee river. The only unknown is whether the Inglis Hydropower operations plan will be codified in a water use permit (WUP) or through the FERC permit process.

Pete Hubbell and I have also secured a meeting with Mr. Edwards and his folks with Inglis Hydropower on November 10 at the Authority's SWFWMD office. The results of that meeting should confirm the information from the SWFWMD staff. Pete Hubbell and I will make a full presentation at the November 17 Board meeting to discuss if the Authority requires any further action on this issue.

**7. Withlacoochee
System MFLs**

November 17, 2010

Discussion Item

Status Update on Minimum Flows and Levels in the Southwest Florida Water Management District

Purpose

To update the Board with respect to Minimum Flows and Levels (MFLs) development in the northern part of the Southwest Florida Water Management District.

Background/History

The Southwest Florida Water Management District (District or SWFWMD), by virtue of its responsibility to permit the consumptive use of water and a legislative mandate to protect water resources from "significant harm", has been directed to establish minimum flows and levels (MFLs) for streams and rivers within its boundaries (Section 373.042, Florida Statutes). As currently defined by statute, "the minimum flow for a given watercourse shall be the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area." Development or adoption of a minimum flow or level does not in itself protect a water body from significant harm. However, protection, recovery or regulatory compliance can be gauged and achieved once a standard has been established. The District's purpose in establishing MFLs is to create a yardstick against which permitting and/or planning decisions regarding water withdrawals, either surface or groundwater, can be made.

Discussion

Staff will provide an overview of MFLs development with particular emphasis on activities in the northern part of the District. Discussion will include: presentation of the recently approved priority list and schedule for 2011, and a brief overview of proposed MFLs on the Chassahowitzka, Homosassa, and upper and middle Withlacoochee Rivers. MFL reports on these waterbodies are available on the District's web site (http://www.swfwmd.state.fl.us/projects/mfl/mfl_reports.php). Each MFL report was submitted to independent scientific peer review, and reports from each of the peer review panels are also available on the web site as well.

Recommendation:

This item is provided for the Board's information only; no action is required.

Presenter: Martin Kelly, Ph.D., Minimum Flows and Levels Program Director
Resource Projects Department
Southwest Florida Water Management District



An Equal
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Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

TDD only: 1-800-231-6103 (FL only)

On the Internet at WaterMatters.org

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Sarasota, Florida 34240-9711
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1-800-320-3503 (FL only)

Tampa Service Office
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Tampa, Florida 33637-6759
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1-800-836-0797 (FL only)

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Executive Director

William S. Bilenky
General Counsel

WRWSA
Mr Jack Sullivan
PO Box 15369
Brooksville FL 34604

August 25, 2010

MEMORANDUM

TO: Interested Parties

FROM:  Martin H. Kelly, Ph.D., Minimum Flows and Levels Program Director
Resource Projects Department

SUBJECT: Public Input Meetings for Update to Schedule for Establishment of
Minimum Flows and Levels

The Southwest Florida Water Management District (District) invites your participation in the process to update its Priority List and Schedule for the establishment of Minimum Flows and Levels (MFLs). MFLs are the limits set by the District Governing Board for surface waters and groundwater intended to prevent significant harm to the water resources or ecology of an area caused by withdrawals.

Public meetings have been scheduled for 6:00 p.m. on the following dates:

- Monday, October 4, 2010 at the District's Bartow Office (170 Century Blvd.)
- Monday, October 4, 2010 at the Brooksville Headquarters (2379 Broad Street)
- Tuesday, October 5, 2010 at the District's Sarasota Office (6750 Fruitville Rd)
- Tuesday, October 5, 2010 at the District's Tampa Office (7601 Hwy. 301 N.)

The purpose of these meetings is to receive input on the revised Priority Schedule for the establishment of MFLs. The draft 2011 List will be made available on the District's web site as soon as possible following the Governing Board's September 28th Board Meeting. We have attached the current year priority list for your review. Written comments are also welcome and can be submitted to Dr. Martin Kelly, Program Director, Minimum Flows and Levels, via mail or e-mail (marty.kelly@swfwmd.state.fl.us) no later than October 15, 2010.

This process represents an important opportunity for local governments, citizens and others to be part of the scheduling of minimum flows and levels for rivers, streams and other flowing waters, lakes and aquifers. Please contact Dr. Martin Kelly, or Barbara Matrone, of the Ecologic Evaluation Section (extension 4233) if you have questions or need additional information.

BOARD APPROVED 2010
MINIMUM FLOWS AND LEVELS PRIORITY LIST AND SCHEDULE

Minimum Flows and Levels Already Adopted

- Alafia River (upper freshwater segment)
- Alafia River Estuary (includes Lithia and Buckhorn Springs)
- Braden River (freshwater segment)
- Citrus County Lakes – Ft. Cooper, Tsala Apopka – Floral City, Inverness and Hernando Pools
- Hernando County Lakes – Hunters, Lindsey, Mountain, Neff, Spring and Weekiwachee Prairie
- Highland County Lakes – Angelo, Anoka, Denton, Jackson, Little Lake Jackson, June-in-Winter, Letta, Lotela, Placid, Tulane, and Verona
- Hillsborough County Lakes – Alice, Allen, Barbara, Bird, Brant, Calm, Charles, Church, Crenshaw, Crescent, Crystal, Cypress, Dan, Deer, Dosson, Echo, Ellen, Fairy [Maurine], Garden, Halfmoon, Harvey, Helen, Hobbs, Horse, Jackson, Juanita, Little Moon, Merrywater, Mound, Platt, Pretty, Rainbow, Reinheimer, Round, Saddleback, Sapphire, Stemper, Strawberry, Sunset, Sunshine, Taylor and Virginia.
- Hillsborough River (lower segment)
- Hillsborough River – upper segment (including Crystal Spring)
- Levy County Lake – Marion
- Peace River (middle segment)
- Peace River (upper segment – "low" minimum flows)
- Northern Tampa Bay – 41 Wetland sites
- Northern Tampa Bay – 7 Wells – Floridan Aquifer/Saltwater Intrusion
- Pasco County Lakes – Bell, Big Fish, Bird, Buddy, Camp, Clear, Green, Hancock, Iola, Jessamine, King, King [East], Linda, Middle, Moon, Padgett, Parker aka Ann, Pasadena, Pasco, Pierce, unnamed #22 aka Loyce
- Polk County Lakes – Annie, Bonnie, Clinch, Crooked, Dinner, Eagle, Lee, Mabel, McLeod, Parker, Starr, Venus, and Wales
- Myakka River (upper freshwater segment)
- Sulphur Springs (Hillsborough County)
- Sumter County Lakes – Big Gant, Black, Deaton, Miona, Okahumpka and Panasoffkee
- SWUCA – Floridan Aquifer
- Tampa Bypass Canal
- Weekiwachee River System and Springs
(includes Weeki Wachee, Jenkins Creek, Salt, Little Weeki Wachee and Mud River springs)

2009

- Anclote River System
- Dona Bay (Cow Pen Slough/Canal)
- Polk County Lake – Hancock (S08-T29S-R25E)
- Lower Peace River

2010

- Chassahowitzka River System and Springs (includes Chassahowitzka Main, Chassahowitzka #1, Crab Creek, Potter and Ruth and Blind Spring)
- Gum Springs Group
- Hillsborough County Lakes – Raleigh (S27-T27S-R17E), Rogers (S27-T27S-R17E), Starvation (S21-T27S-R18E), and Wimauma (S09-T32S-R20E)
- Homosassa River System and Spring (includes Hidden River Springs 1 and 2)
- Little Manatee River
- Lower Myakka River System (Myakkahatchee Creek, Deer Prairie Creek and Blackburn Canal)
- Manatee River System (Braden River Estuary)
- Northern Tampa Bay – Phase II
- Polk County Lakes – Crystal (S02-T30S-R27E) and North Lake Wales (S01-T30S-R27E)
- Upper and Middle Withlacoochee River System (Green Swamp)
- Rainbow Springs (includes Bubbling and Waterfall Springs)
- Shell Creek Estuary

2011

- Brooker Creek
- Crystal River System and Kings Bay Spring
- Hillsborough County Lakes – Carroll (S15-T28S-R18E) and Hooker (S12-T29S-R20E)
- Lower Withlacoochee River System
- Marion County Lakes – Bonable (S31-T15S-R18E), Little Bonable (S30-T15S-R18E), and Tiger (S32-T15S-R18E)
- Pithlachascotee River System
- Polk County Lake – Lowery (S14-T27S-R26E)
- Upper Peace River "Middle" and "High" Minimum Flows

2012

- Charlie Creek
- Horse Creek
- North Prong Alafia River
- South Prong Alafia River
- Polk County Lakes – Amoret (S24-T30S-R27E), Aurora (S13-T30S-R28E), Bonnet (S14-T28S-R23E), Easy (S19-T30S-R28E), Effie (S03-T30S-R27E), Little Aurora (S13-T30-R28E), and Josephine (S13-T30S-R27E)
- Hillsborough County Lakes – Kell (S01-T27S-R18E), Keene (S07-T27S-R19E), and Hanna (S18-T27S-R19E)

2013

- Prairie Creek
- Shell Creek (freshwater segment)
- ▪ Hernando County Lakes – Tooke (S13-T22S-R17E) and Whitehurst (S17-T22-R18E)

2014

- Cypress Creek

All spring, freshwater river segment and estuarine MFLs will be submitted for voluntary scientific peer review.

Section-Township-Range (S-T-R) information is listed for lakes scheduled for minimum levels development to assist in locating individual water bodies and to avoid potential confusion with lakes that have the same or similar name. Similar information is provided for lakes with adopted minimum levels in Table 8-2, Rule 40D-8.624(12) of the Florida Administrative Code.

Notes: Changes being proposed to the MFLs List are attributable to the following:

- (1) Lake Wimauma – An agreed upon study to examine the possible effects of drainage and sink hole development on lake levels for this lake is not yet complete, and as a result we have moved this lake from 2009 to 2010 on the proposed priority list.
- (2) Lakes Raleigh, Rogers and Starvation – delayed pending development of an acceptably calibrated hydrologic model needed to evaluate the effects of structural alterations and changes to the water budgets of the subject lakes.
- (3) Chassahowitzka River and Springs (including Blind Spring), Homosassa River and Springs, Little Manatee, Lower Myakka River System, Manatee River – it is anticipated that the lower Myakka and Chassahowitzka MFLs documents will be submitted for peer review in 2009; however, these MFLs will not be adopted before the calendar year is out, and have, therefore, moved these water bodies into the 2010 timeframe. Draft MFL reports on the Manatee, Little Manatee, and Homosassa Rivers are behind schedule, and these water bodies have been moved into 2010 as well.
- (4) Shell Creek – delayed pending development of a recovery strategy for this waterbody.
- (5) Upper and Middle Withlacoochee River System – delayed due to extreme low water conditions over the last several years; due to prolonged drought data collection under mid- and high-flows has not been possible.
- (6) Rainbow River – delayed due to several factors: low flow conditions and difficulty in adequately calibrating HEC-RAS model.
- (7) Crystal River System and Kings Bay Spring and Pithlachascotee River System – the need to complete other minimum flows in 2010 will affect the overall MFL timeline, thus these waterbodies will be moved into 2011 to allow sufficient time to complete these MFLs reports
- (8) Addition of Year 2014 – Beginning in 2004, the District added specific waterbodies for a fourth and fifth year. This enables staff to begin data collection earlier in the MFLs process for those waterbodies that require a greater planning and budgeting horizon, and would make unforeseeable hydrologic events less of an obstacle in developing MFLs.

**8. Changes to Water
Shortage Plan**

MEMORANDUM

Date: November 2, 2010

To: Jack Sullivan

From: Diane Salz

RE: Follow-up on the SWFWMD Water Shortage Plan (Chapter 40D-21, F.A.C.)

At our last WRWSA Board meeting, the Board was advised that Southwest Florida Water Management District (SWFWMD) is proposing changes to its Water Shortage Plan based on lessons learned during the 2006-2009 drought. The Board indicated that they would like to know specifically how member governments would be impacted by these changes. I have therefore invited Lois Sorensen, SWFWMD Demand Management Program Manager to our November 17th Board meeting. Unfortunately, I may be at the Capital on this same date for a Legislative Special Session likely to occur concurrent with the 2010 Legislative Organizational Session.

Since our last Board meeting, SWFWMD Governing Board approved the proposed changes to the Water Shortage Plan on October 26th and requested that its staff clarify the meaning of the term "water utilities." Changes to the Water Shortage Plan will next be published in the Florida Administrative Weekly, at which time any request for a hearing and any legal challenges must be filed within twenty days. Substantive changes resulting from a hearing or challenge would be subject to the SWFWMD Governing Board's approval. Subsequently, Water Shortage Plan changes would become final twenty days after SWFWMD files with the Department of State.

While our region is experiencing yet another extended dry period, water conservation practices once again come to the forefront as an important tool that may help to delay the need for investing in costly alternative water supplies. Stakeholders, including cities and counties will need to become more engaged in both short and long-term demand management strategies as groundwater becomes less plentiful over time. Ms. Sorensen's presentation is intended to highlight how the proposed changes to the Water Shortage Plan will better prepare member governments for dealing with the inevitable droughts in our future, and to answer specific questions Board members may have.

SWFWMD Water Shortage Plan & Related Topics

Southwest Florida Water Management District (District) staff will provide a brief presentation and be available to answer questions about the following topics:

Water Shortage 101

Each water management district is required, by state law, to have a Water Shortage Plan which guides its responses to drought and other water shortage events. The District's Water Shortage Plan (Chapter 40D-21, F.A.C.) was adopted by rule in 1984 and underwent a substantial revision in 2006. It outlines four phases of restrictions and other response mechanisms, including responsibilities for public supply water systems. An Interagency Agreement between the District and the St. Johns River Water Management District designates how water shortages are managed within the City of Ocala and most of unincorporated Marion County.

Water Shortage Plan Update

In September 2009, the District's Governing Board authorized initiation of rulemaking to update Rule 40D-21 based on experience with the 2006-2009 drought. Staff held two focus group meetings, two public workshops and one special joint meeting of the District's Green Industry Advisory Committee and Agricultural Advisory Committee. Staff also posted draft amendments to its website and prepared a Statement of Estimated Regulatory Costs based on the proposed amendments. The Governing Board approved the amendments on October 26, 2010, including conceptual approval of additional language to clarify the roles of public supply water systems based on last-minute input from the Peace River Manasota Regional Water Supply Authority. The basic format of four phases of non-emergency responses, including nomenclature and water use classifications required by the Department of Environmental Protection, has been retained from the 2006 version. Specific to water supply authorities and other public supply water systems, the amendments include:

- Clarification of existing public supply water system responsibilities*
- Earlier implementation of select public water supply system responsibilities*
- Addition of targeted responsibilities regarding High-Use Single Family (HUSF) accounts*
- Simplification of lawn irrigation hours and car washing limits for ease of enforcement
- Removal of problematic air conditioning and percentage-reduction restrictions
- Incorporation of recent interpretations, such as exemptions for inconsequential fountains and clarification that interactive fountains are recreational, not aesthetic, water uses
- An allowance for annual pressure washing in Phase II and a requirement to use professional-grade equipment in Phase IV

* All of the Authority's member governments are already required, by state law, to assist the District (or the applicable water management district, as appropriate) with enforcement of its year-round water conservation measures and its water shortage restrictions upon request. Key amendments to the Water Shortage Plan clarify the District's expectations regarding enforcement as follows:

- Review and update procedures in Phase I, including ordinances and internal processes (Phase I used to say "develop" but all local governments should now have procedures)
- Implement the updated procedures in Phase I (instead of waiting until Phase II)
- Respond to citizen complaints starting in Phase II (instead of waiting until Phase III)
- In Phases III and IV, continue to monitor compliance where violations are concentrated
- In Phases III and IV, also monitor compliance where HUSF accounts are concentrated; may use automatic meter reading in lieu of night patrols
- In Phases III and IV, may provide a one-time forbearance under some circumstances instead of always issuing a citation without first issuing a warning
- In Phase IV, continue to place temporary limits on a location's potable water use to remedy an egregious violation; limits may now take the form of a punitive surcharge

* In addition to enforcement, amendments to the Water Shortage Plan clarify other expectations for all public supply water systems (whether or not they are the Authority's member governments) as follows:

- Report warning and citation activity starting in Phase I (instead of waiting until Phase II)
- Report enforcement contact information in Phase I (instead of waiting until Phase II)
- Submit a monthly status report starting in Phase II (instead of waiting until Phase III)
- Status report must continue to include demand data, account information, and quantified water conservation efforts
- Status report must also include HUSF account information (starting in Phase II) and justification for system daily use in excess of 110% of last year
- Status report in Phases III and IV must include quantified water conservation efforts specific to HUSF accounts
- Reporting in Phases III and IV might include more frequent submittal of demand data
- In Phases III and IV, also report loss of primary water supply within 24 hours
- Provide customer messaging starting in Phase I (instead of waiting until Phase II)
- Messaging must address current restrictions, supplies and conservation opportunities
- Starting in Phase III, messaging must include contact with each HUSF customer; this contact may be written or oral, and may take the form of a drought surcharge
- Starting in Phase III, enhance messaging through repetition and a news event
- Implement flushing inquiry process starting in Phase I (instead of waiting until Phase II)
- Review and refine, if necessary, water pressure and line flushing practices starting in Phase II (instead of waiting until Phase III)
- In Phase IV, based on customer demographics and system characteristics, identify and implement any additional means to temporarily maintain or reduce system demand
- In Phase IV, coordinate with local code enforcement to advocate temporary waivers or deferrals of enforcement of local regulations that would lead to water use increase

Possible Water Shortage Order

District staff regularly monitors hydrologic conditions and other factors specified in the Water Shortage Plan to determine whether a water shortage declaration is necessary. Lack of normal rainfall in September and October is causing unseasonably early surface water and ground water declines. As a result, District staff may recommend that the Governing Board declare a water shortage order during its November 16, 2010 meeting. Any such water shortage order would, at a minimum, declare Phase I for an area encompassing the Authority's members. Phase I is essentially an alert for the general public to tune-up their irrigation systems and continue following existing year-round water conservation measures, including any more restrictive local ordinances. The main purpose of a Phase I declaration is to require public supply water systems to prepare for possible worsening conditions, including review and any needed updates to local enforcement and line flushing procedures.

Presenter: Lois Ann Sorensen, M.B.A., Demand Management Program Manager

Home Page → Permits & Rules → Proposed Rule Amendments → Proposed Rule Amendments: 40D-21, Water Shortage Plan Amendments

Proposed Rule Amendments

40D-21, Water Shortage Plan Amendments

The District has been working on revisions which address the hydrologic indicators used to assess whether to declare or change a water shortage order, how and when notice is provided regarding a water shortage order, the water use restrictions to be implemented during particular phases of a water shortage, and other matters as appropriate to make the water shortage plan more effective.

Timeline, as of August 12, 2010

- September 2009: Initiation of rulemaking
- October 2009: Form staff team and focus group
- November 2009: Prepare concept documents, hold first focus group and public workshop
- January 2010: Prepare draft, hold second focus group meeting
- April 2010: Prepare second "Staff Alternative" draft, hold second public workshop
- July 2010: Prepare third draft, discuss at special joint meeting of the Green Industry Advisory Committee and Agricultural Advisory Committee
- August 2010: Revise and post third draft of proposed amendments
- September 2010: Governing Board to consider approval, including publication for adoption

Draft rules

- [Revised Draft Amendments – 8-17-2010](#)
- [40D-21 Notice of Rule Development Workshop](#) (4/29/10 at 1:00 pm)
- [Summary Staff Alternative Proposed 40D-21 Amendments](#)
- [Staff Alternative Proposed 40D-21 Amendments](#)
- [40D-21 Notice of Rule Development Workshop](#) (11/20/09 at 9:30 am)

Major improvements

- Incorporate plain language throughout (remove or define technical jargon)
- Modify drought indicators (add 24-month moving sum rainfall and 7-day average streamflow, downgrade less useful national data)
- Clarify local government roles (remove or rewrite confusing provisions)
- Enhance reporting and enforcement (start earlier and better explain requirements)
- Streamline and update restrictions (remove antiquated provisions, address changes to state law)
- Once-per-week watering schedule for all months in Phase III (previously started in Phase IV)

Questions? Contact us:

Lois.Sorensen@WaterMatters.org

Each water management district is required, by state law, to have and implement a Water Shortage Plan which guides its responses to drought and other water shortage events. This District's Water Shortage Plan is adopted as rules in Chapter 40D-21, Florida Administrative Code. In September 2009 the Governing Board authorized staff to begin making revisions to the District Water Shortage Plan based on the experience gained during the 2007-2010 drought.

9.a. Bills to be Paid

**Bills for November 2010 will be handed out
at the November 17, 2010 Board Meeting**

**9.b. 2009-10 Audit
Schedule**

**MEMORANDUM**

November 2, 2010

To: Board of Directors, WRWSA
From: Jack Sullivan, Executive Director

Re: Schedule for 2009-10 FYE Audit

I recently completed the accounting for the fourth quarter financial report. I forwarded this information to our accountants, Purvis Gray and Company. They will incorporate this information into the audit of the Authority's financial records during November. Since I anticipate that the Board will not need to meet in December, Purvis Gray is planning to present the annual audit findings at the January 19, 2011 Board meeting.

9.c. Correspondence

9.d. News Articles

Newsroom

Your source to the latest District news & information

Lake Panasoffkee responds to restoration with improved clarity, aquatic plant coverage

October 15, 2010

Lake Panasoffkee water is clearer, eelgrass is thicker and fisheries are richer in response to the recent restoration project and effective management of lake levels, according to Southwest Florida Water Management District and Florida Fish and Wildlife Conservation Commission officials.

The lake continues to respond well following the dredging restoration project, which was completed in November 2008. The 10-year, \$26.9 million project restored Lake Panasoffkee's historic fish bedding areas and shoreline by removing approximately 8.3 million cubic yards of sediment from more than 1,744 acres of lake area. The project also improved navigation of the third largest lake in west-central Florida.

"Currently conditions are excellent," said Philip Rhinesmith, District senior environmental scientist. "There are desirable species of submerged aquatic plants covering nearly 80 percent of the lake bottom. With a high percentage of the lake colonized by desirable submerged aquatic plants, duck hunters are anticipating an excellent year."

Eelgrass and other desirable plants covered only half of the lake bottom before the restoration project began. Rhinesmith said that water chemistry and clarity are excellent and fish camps and anglers are reporting good catches of largemouth bass, redear sunfish and bluegill.

Marty Hale, regional fisheries administrator for the Florida Fish and Wildlife Conservation Commission Northeast Region, agreed that fishing is improving on the lake.

"The presence of submersed aquatic vegetation is critically important for the growth and development of vibrant fish populations," said Hale. "Sampling conducted near the end of lake restoration and following restoration resulted in higher catch rates of largemouth bass than ever recorded."

Hale said that the catch rates for bluegill were also excellent, and that surveys of anglers have verified the results.

"Having the ability to regulate water levels to adapt to current conditions is critically important to maintain the impressive benefits of the restoration efforts," said Hale. "Over 28 million dollars were spent to improve water quality, aquatic vegetation and fish populations in Lake Panasoffkee, and the health of these resources should be the top priority when making decisions regarding the amount of water leaving the lake."

The District allowed lake levels to fall naturally in March by deflating the Wysong-Coogler Water Conservation Structure on the Withlacoochee River. Lower water levels allow more sunlight to reach eelgrass, the dominant submerged plant in Lake Panasoffkee. At the start of the rainy season in July, the District inflated the dam to raise water levels. The Wysong-Coogler structure controls the natural flow of water from the lake through the Outlet River. It was built in 2002 to help conserve water in Lake Panasoffkee, the Withlacoochee River and Tsala Apopka Lake during the dry season. The Wysong-Coogler structure replaced the original Wysong structure that was operational between 1965 and 1988.

"Allowing water to flow from the lake through the Outlet River allows for water circulation and helps discharge nutrients from the lake," said Rhinesmith. "This natural discharge process is important, as is allowing the lake level to fluctuate naturally through the dry season and the rainy season."

Lake Panasoffkee is designated as an Outstanding Florida Water by the Florida Department of

Environmental Protection, is one of the District's Surface Water Improvement and Management (SWIM) priority water bodies and is a nationally acclaimed fishery.

Since the 1940s, 900 acres of open-water habitat had been lost due to the accumulation of natural sediments over the hard lake bottom. The additional sediment caused large portions of the lake to become shallow enough for emergent vegetation to take hold. The buildup of sediment adversely impacted the historic fish spawning areas and limited navigation around the lake.

A four-step restoration plan, developed by the Lake Panasoffkee Restoration Council and managed by the District, began in Sept. 2000. The restoration project was funded by multiple partners, including the state of Florida, the U.S. Environmental Protection Agency, the District's Withlacoochee River Basin Board and SWIM Program, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Transportation and Sumter County.



From: Diane Salz <disalz@yahoo.com>
Subject: **FYI: DCA rejects Hernando Co. "new town"**
Date: November 1, 2010 8:52:01 AM EDT
To: Jack Sullivan <jesull@comcast.net>

The Florida Department of Community Affairs isn't as malleable as the Hernando County Commission. For the second time this year, DCA kicked back the proposed Quarry Preserve project, telling the county and the landowners a new town in the middle of nowhere is a poorly planned encouragement of urban sprawl.

That is no surprise to the county's professional staff, which refused to green-light the project and warned of potentially exorbitant infrastructure costs for which no funding is identified. Twice, however, a commission majority paid little heed to the staff's cautions, and approved the land use amendment necessary to put 13,000 people on 4,300 acres in the county's rural northern tier.

Only Commissioner David Russell has demonstrated a consistent ability to see the proposed comprehensive plan amendment for what it is — unnecessary at this time. The rest of the commission, including Rose Rocco who flip-flopped, are blinded by the promises of high-end development on multiple golf courses, a town center, employment sites, a resort and other amenities on property scarred by years of mining operations.

Thursday, DCA notified the county it intended to find the proposed amendment in noncompliance with common development goals of curbing urban sprawl and promoting in-fill development. It is no wonder. Quarry Preserve, to be located in a mostly abandoned mining pit 6 miles north of Brooksville, is an urbanization of an area surrounded by land designated for agricultural use. It is the definition of leapfrog development.

The state noted the promise of a sustainable community is suspect; infrastructure is too far away and the ratio of proposed jobs to housing units is too low. Most damning, it characterized the development team's undercount of available home lots in Hernando County as unprofessional. The county simply has no need for additional residential sites over the next 15 years.

Quarry Preserve's team even flubbed its ballyhooed new town definition with imprecise land use locations within the master plan, a lack of connecting roads and gated residential communities in more than half of the project "which is not conducive to the creation of a new town," DCA said.

If it's a new town, it certainly is filled with old problems — the most glaring of which can't be glossed over with dubious promises of future prosperity. Urban sprawl, and the accompanying drain on government resources to provide services, shouldn't be the economic engine driving Hernando County's future.

[Last modified: Oct 30, 2010 09:54 AM]



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Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
TDD only 1-800-231-6103 (FL only)
World Wide Web: WaterMatters.org

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director, 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4702; TDD 1-800-231-6103 (FL only); or email ADACoordinator@WaterMatters.org.

Robyn Felix
1-800-423-1476, ext. 4770 or
Cell Phone: (813) 781-9817

The Southwest Florida Water Management District urges year-round water conservation. Water levels may rise and fall, but our water resources remain limited. The District encourages efficient, non-wasteful uses of water to sustain our high quality of life. For more information about ways to conserve water, contact the District at 1-800-423-1476 or visit the District's web site at WaterMatters.org

Water Resource Monthly Update

Oct. 1, 2010

Aquifer Levels (in feet) *

Regions **	Sep 30	Last week	Same date last year	Normal range ***
North	0.83 ****	0.98	0.77	0 to +3
Central	2.31	2.61	2.52	0 to +5.5
South	0.98	1.51	2.13	0 to +8

* Aquifers are underground layers of rock and sand that hold water. In southwest Florida, more than 80 percent of the water supply comes from aquifers.

** **North** (Citrus, Hernando, Lake, Levy, Marion and Sumter counties)

Central (Hillsborough, Pasco, Pinellas and Polk counties)

South (Charlotte, DeSoto, Hardee, Highlands, Manatee and Sarasota counties)

*** Aquifer levels normally fluctuate to varying degrees in different regions. The normal range shows how much each region normally fluctuates, with 0 as the bottom of the normal range.

**** Readings show how current levels compare to normal ranges for this time of year. Anything below a zero is below the normal range.

NEWS RELEASE

2010 Rainfall (in inches) *

	Sep 1-30	Sep	Jan – Sep	Jan – Sep
	Actual **	Historic ***	Actual	Historic
North	3.08	6.31	47.21	46.26
Central	3.77	6.94	46.54	45.70
South	4.10	7.63	44.09	45.82

Historic Rainfall (January - December in inches)

	2009	2008	2007	2006	2005	2004	2003	2002	Jan - Dec
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Historic
North	50.63	49.30	45.43	38.73	58.85	62.50	53.95	59.50	53.54
Central	51.56	46.64	41.44	43.13	51.62	68.52	53.86	64.75	52.42
South	48.84	47.37	38.53	42.28	61.65	62.65	55.61	60.47	52.45

* The rainfall values for the current month and year are considered provisional and subject to revision. The other annual figures are final.

** Actual rainfall for the time frame referenced at the top of the column.

*** Historical average rainfall for the time frame referenced at the top of the column. The District's historical rainfall records date back to 1914.

Lake Levels (in feet, relative to MLM) *

Regions **	Sep levels	Previous month	Same date last year
Northern	-3.21	-3.27	-3.50
Tampa Bay	0.89	1.00	0.05
Polk Uplands	-0.70	-1.00	-1.73
Lake Wales Ridge	-3.49	-3.88	-3.99

* Each month the District measures water levels in 76 lakes. The lake levels are compared to the lakes' adopted minimum low management (MLM) levels. The MLM level is how low each lake has historically dropped at the end of the dry season each year.

** **Northern** (Citrus, Hernando and Sumter counties)

Tampa Bay (Hillsborough and Pasco counties)

Polk Uplands (Northern Polk County)

Lake Wales Ridge (Portions of Polk and Highlands counties)

Streamflows *

	Sep percentile **	Previous month percentile	Same date last year percentile	Normal range percentile ***
Withlacoochee River near Holder	20	22	31	25-75
Withlacoochee River near Trilby	39	26	47	25-75
Hillsborough River near Zephyrhills	31	49	59	25-75
Peace River at Arcadia	50	50	52	25-75
Peace River at Bartow	30	28	23	25-75

* **Streamflow**, also known as discharge, is the volume of water passing a location in a certain amount of time, usually measured as cubic feet per second.

** The **percentile** compares current flows to historical flows during the same time of year on a scale of 0-100. For example, if the river is shown at the 50th percentile, it means that half of the historical flows for this time of year were higher and half were lower than the current flow.

*** Any flow that falls between the 25th and the 75th percentile is considered **normal**. Less than the 25th would be considered below normal and above the 75th above normal.

From: disalz@yahoo.com
Subject: **Fw: SB 550 Backlash - Septic Tank Inspections**
Date: September 21, 2010 8:34:41 PM EDT
To: "Jack Sullivan" <jesull@comcast.net>
Reply-To: disalz@yahoo.com

Sent via BlackBerry from T-Mobile

From: "Chris Doolin" <cdoolin@nettally.com>
Date: Tue, 21 Sep 2010 20:19:26 -0400
To: Chris Doolin <cdoolin@nettally.com>
Subject: SB 550 Backlash - Septic Tank inspections

Public backlash building against legislative mandate on septic tanks

Bruce Ritchie, 09/21/2010 - 06:52 PM

A proposed state septic tank rule and the legislation that sparked the rule are becoming the focus of anti-government critics.

SB 550 during the legislative session requires septic tank owners statewide to receive an inspection at least once every five years. A **Florida Department of Health** [advisory board](#) is reviewing a [draft rule](#) this week and DOH has scheduled a [series of workshops](#) in October.

The bill was promoted as a measure to protect Florida's springs, which have become choked with weeds and algae as nitrogen in groundwater from a variety of sources has increased. DOH and the septic tank industry say septic tanks should be inspected and pumped out every three to five years to keep them functioning properly. Florida has 2.6 million septic tanks, according to a [DOH study](#) completed May 1.

But SB 550 is facing a backlash from critics in the Legislature and some rural counties. **Rep. Marti Coley**, R-Marianna, and **Sen. Evelyn Lynn**, R-Ormond Beach say they will introduce bills in the next legislative session to repeal the measure.

"I just simply think that to mandate every five years for every homeowner with a septic tank to have it inspected is unnecessary and big government," Coley said. She introduced a bill to repeal the mandate during the July special session on oil drilling but the Legislature adjourned without voting on any legislation.

The septic tank inspections by private contractors could cost \$100 to \$300, according to the Department of Health. Septic tank owners could spend roughly \$200 to get the tank pumped out at that time. The rules take effect Jan. 1 with the inspection requirement being phased in over five years.

The **Jackson County Commission** on July 26 wrote to **Gov. Charlie Crist** saying that the county wants the law repealed or that the DOH rules be "written in such a way that they will be the least burdensome to the citizens of rural Florida."

The **Santa Rosa County Commission** on Monday heard complaints from residents about the state requirement. Pace resident **Sharon Glass**, a local tea party organizer, said she is willing to rent a bus to take residents to Tallahassee to protest, according to the [Pensacola News Journal](#).

The Department of Health is working with its advisory board and contractors to make sure inspection is provided at the lowest cost possible, said **Gerald Briggs**, the department's bureau chief for onsite sewage programs.

"We are very concerned this will cost property owners and we are making sure the cost is as low as we can make," Briggs said.

The inspection requirement will help the state identify septic tanks that are in violation of regulations and are polluting groundwater, said **Sam Averett**, president of Averett Septic Tank in Lakeland. He said some homes may require new drain fields installed on mounds of soil at a cost \$5,000 to \$6,000.

"Every system needs to be maintained," Averett said. "You are affecting some water body somewhere -- everywhere in the state...If the homeowners were maintaining their systems to begin with this would not be an issue -- but they are not."

Chris Doolin

President – Christian B. Doolin & Associates

Vice – President – Robert P. Jones & Associates

Mobile – 850-508-5492

E-mail – cdoolin@nettally.com

Florida Health Department Holds Meeting to Discuss Controversial Senate Bill 550

10/21/10 - 05:20 PM

By: Nadeen Yanes



Defuniak Springs, Fla:

A new state bill taking effect on January 1st could lead to a new bill in your mailbox.

The Florida Department of Health held a meeting to get residents' input on how to implement Senate Bill 550. The law requires

inspection of all septic tanks in the state every five years.

At the meeting, the calm conversation quickly escalated into a contentious debate. Residents had one message for the Health Department Representatives seeking input for implementation.

They don't want change, they want the bill repealed.

The bill passed during the spring's legislative session, requires an evaluation of each septic tank, along with an assessment of the system's overall condition.

Florida residents will have to pay out of their pockets for the evaluation and inspection, costing them more than \$500.

"I would like them to at least revise it where we can handle it, I know can't afford it," said Walton County resident, Robert Jones.

"It's almost a slap in the face of intelligent educated people, we are going to tell you to do this, when we know all along that we are supposed to do that," said Santa Rosa County resident, Sharron Glass.

Thursday's meeting wasn't all one-sided. Roxanne Groover represents Florida Onsite Wastewater Association. The association is a supporter of the bill. She says the new law is meant for the public's health and for the protection of the environment.

"With some of the soils that we have in Florida, often having to flush your toilet and not having raw sewage on the ground is not an indicator that your system is working properly," Groover said.

Panhandle residents argue the septic problem is not an issue in northern Florida.

"How can you put everyone in the same position and say yours is going to fail because this is what it's based on in South Florida," Glass asked.

State and House representatives also made an appearance at the public forum. There is currently a House and Senate version to repeal the law. However, the legislature is not scheduled to meet again until after the bill goes into effect on January 1st, 2011.

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From: Diane Salz <disalz@yahoo.com>
Subject: **Septic Tank Law Stirs Anger**
Date: October 12, 2010 8:41:22 AM EDT
To: Jack Sullivan <jesull@comcast.net>

Some Santa Rosa County residents made it clear Monday how they feel about a new state law requiring septic tanks inspections: They think it stinks.

More than 100 people attended a meeting about the law at the Milton Community Center, 5629 Byrom St. The Santa Rosa Tea Party Patriots organized the meeting to discuss the law and other issues.

The law, designed to reduce water pollution, will require all septic systems to be inspected every five years.

Critics of the law say if the septic systems are found to be leaking or need to be pumped out, it could cost homeowners \$400 to \$500 to be pumped out and repaired.

The law takes effect Jan. 1.

"Can we get a constitutional amendment so that the idiots that passes theses laws have to pay for them," asked David Keziah, 75, of Milton.

Keziah said he lives on a fixed income and can't afford to pay for an inspection.

"I have no trespassing signs, and I'll call the law," he said. "They better not come on my property."

In Escambia and Santa Rosa counties, commissioners recently passed resolutions opposing the new law.

Santa Rosa County Commissioner Don Salter said the commission has done about all it can regarding the law.

He said voters need to continue to voice their displeasure about the law to state lawmakers so it can be changed.

"My advice to everyone in this room: Don't give up the heat," he said.

James Whigham, 64, and his wife, Marcia, 58, of Milton live in a home with a septic tank and have 10 rental homes, each with a septic tank.

Whigham said if he ever has a problem with a septic tank he will get it fixed. He said he doesn't need anyone telling him to.

"As far as this septic tank law, it's utter stupidity," he said. "It's just an insult what they are doing."

Jerry Couey, 50, a Milton homeowner, said he also is not in favor of the law because of the undue financial burden it will put on residents.

"It's no guarantee it will be repealed statewide that's why the pressure will need to continue to be applied statewide," he said.

Doug Campbell, 45, a Santa Rosa Tea Party Patriots member, said one reason the party is against the law is because it supports limited government.

The party also sees the law as an unfunded state mandate, he said.

"We believe in local control," he said. "We don't believe in one size fits all. If there is a problem, let us deal with it locally."

EPA Numeric Nutrient Criteria Rulemaking Economic Consequences for Floridians¹

EPA²

Total Projected Annual Cost for Compliance with Rivers, Streams, and Lakes Criteria: **\$102-\$130 Million**
Total Projected Cost per Household for Compliance with Rivers, Streams, and Lakes Criteria: **\$14.89/year**

FDEP

Total Projected Capital Cost for Compliance with Rivers, Streams, and Lakes Criteria: **\$61.6-\$78.8 Billion**
Total Projected Annual Cost for Compliance with Rivers, Streams, and Lakes Criteria: **\$5.7-\$8.4 Billion**
Total Projected Cost per Household for Compliance with Rivers, Streams, and Lakes Criteria: **\$657-\$962/year**

Domestic Wastewater Treatment Utilities

FDEP Total Utility Capital Cost for Compliance with Rivers, Streams, and Lakes Criteria: **\$4.167 Billion**
FDEP Total Operating Cost for Compliance with Rivers, Streams, and Lakes Criteria: **\$185 Million**
FWEA Cost for All Criteria over 30 Years: **\$47.6-\$98.7 Billion**
FWEA Utility Bill Increase per Household: **\$673-\$726/year**

Local Governments

Capital Cost for Compliance: **Over \$75 Billion**

Florida Citrus

Capital Cost for Compliance: **\$325 Million**
Annual Cost for Compliance: **Over \$100 Million**

Florida Dairy

Capital Cost for Compliance: **\$222.8 Million**
Annual Cost for Compliance: **\$70.8 Million**

Agricultural Industry

Total Initial Cost for Compliance: **\$855 Million to \$3.069 Billion**
Total Annual Cost for Compliance: **\$902 Million to \$1.605 Billion**
Annual Impact on Florida's Economy: **\$1.148 Billion**
Loss of Full-Time and Part-Time Jobs: **14,545**

Florida Sugar Cane

Capital Cost for Compliance: **\$150 Million**
Annual Cost for Compliance: **\$50 Million**

Fertilizer Industry

Capital Cost for Compliance: **\$1.35 Billion**
Annual Cost for Compliance: **\$40 Million**

Phosphate Industry

Capital Cost for Compliance: **\$1.6 Billion**
Annual Cost for Compliance: **\$59 Million**

Florida Pulp & Paper Association Mills

Capital Cost for Compliance: **Over \$288 Million**
Annual Cost for Compliance: **\$169 Million**

¹ EPA will finalize its proposed criteria for rivers, streams, springs, and lakes on October 15, 2010. EPA will then finalize criteria for Florida's estuaries, canals, and coastal waters on August 15, 2012.

² EPA cost projections assume that FDEP has already adopted numeric nutrient criteria. However, FDEP has NOT adopted numeric nutrient criteria. FDEP abandoned its nutrient criteria development when EPA settled its nutrient criteria litigation with environmental litigants. EPA's and all other cost projections are from EPA's public docket.

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¹ EPA will finalize its proposed criteria for rivers, streams, springs, and lakes on October 15, 2010. EPA will then finalize criteria for Florida's estuaries, canals, and coastal waters on August 15, 2012.

² EPA cost projections assume that FDEP has already adopted numeric nutrient criteria. However, FDEP has NOT adopted numeric nutrient criteria. FDEP abandoned its nutrient criteria development when EPA settled its nutrient criteria litigation with environmental litigants. EPA's and all other cost projections are from EPA's public docket.

EPA Numeric Nutrient Criteria Rulemaking Economic Consequences for Floridians¹

EPA²

Total Projected Annual Cost for Compliance with Rivers, Streams, and Lakes Criteria: **\$102-\$130 Billion**
Total Projected Cost per Household for Compliance with Rivers, Streams, and Lakes Criteria: **\$14.89/year**

FDEP

Total Projected Capital Cost for Compliance with Rivers, Streams, and Lakes Criteria: **\$61.6-\$78.8 Billion**
Total Projected Annual Cost for Compliance with Rivers, Streams, and Lakes Criteria: **\$5.7-\$8.4 Billion**
Total Projected Cost per Household for Compliance with Rivers, Streams, and Lakes Criteria: **\$657-\$962/year**

Domestic Wastewater Treatment Utilities

FDEP Total Utility Capital Cost for Compliance with Rivers, Streams, and Lakes Criteria: **\$4.167 Billion**
FDEP Total Operating Cost for Compliance with Rivers, Streams, and Lakes Criteria: **\$185 Million**
FWEA Cost for All Criteria over 30 Years: **\$47.6-\$98.7 Billion**
FWEA Utility Bill Increase per Household: **\$673-\$726/year**

Local Governments

Capital Cost for Compliance: **Over \$75 Billion**

Florida Citrus

Capital Cost for Compliance: **\$325 Million**
Annual Cost for Compliance: **Over \$100 Million**

Florida Dairy

Capital Cost for Compliance: **\$222.8 Million**
Annual Cost for Compliance: **\$70.8 Million**

Agricultural Industry

Total Initial Cost for Compliance: **\$855 Million to \$3.069 Billion**
Total Annual Cost for Compliance: **\$902 Million to \$1.605 Billion**
Annual Impact on Florida's Economy: **\$1.148 Billion**
Loss of Full-Time and Part-Time Jobs: **14,545**

Florida Sugar Cane

Capital Cost for Compliance: **\$150 Million**
Annual Cost for Compliance: **\$50 Million**

Fertilizer Industry

Capital Cost for Compliance: **\$1.35 Billion**
Annual Cost for Compliance: **\$40 Million**

Phosphate Industry

Capital Cost for Compliance: **\$1.6 Billion**
Annual Cost for Compliance: **\$59 Million**

Florida Pulp & Paper Association Mills

Capital Cost for Compliance: **Over \$288 Million**
Annual Cost for Compliance: **\$169 Million**

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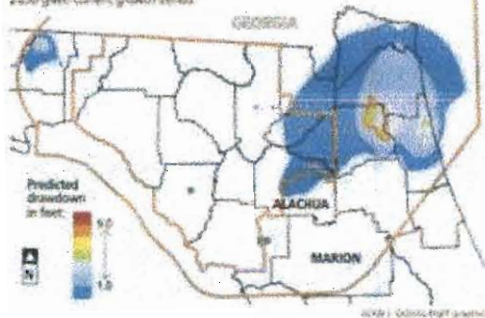
From: Diane Salz <disalz@yahoo.com>
Subject: **will NE FL run out of water?**
Date: October 12, 2010 3:13:06 PM EDT
To: Jack Sullivan <jesull@comcast.net>

Published: Tuesday, October 12, 2010 at 6:01 a.m.
Last Modified: Monday, October 11, 2010 at 11:57 p.m.

During the Tampa Bay water wars of the 1990s, one Pinellas County commissioner famously announced, "Keep the Suwannee River cold, because we're coming for it."

Water demands taxing region

Shows the predicted cumulative drawdown of the upper Floridan Aquifer by the year 2030 given current growth trends.



[Click to enlarge](#)

Predicted cumulative drawdown of upper Floridan Aquifer by 2030

While staying away from such bold proclamations, Suwannee River Water Management District officials have begun looking at the possibility of drawing water from the river as part of a state-required 20-year plan on future water demands and supplies.

A draft of the plan shows that concerns over the adequacy of future groundwater supplies have reached rural North Florida. Current and projected groundwater pumping within the Suwannee district boundaries combined with pumping in the northeast Florida area within the St. Johns River Water Management District and in south Georgia have Suwannee district staff looking at alternative sources for a large swath of the northeastern area of the district.

That area would span parts of Alachua, Union, Bradford, Gilchrist, Columbia and Hamilton counties. It includes the upper and lower Santa Fe River basins, the Alapaha River basin and the Upper Suwannee River.

"We carved out a pretty significant area of our region," Carlos Herd, the district's water supply project manager, told a small crowd at a meeting in Starke on Thursday.

In that area, increased use of reclaimed water, more intense conservation measures and the potential pumping of brackish groundwater have been identified as options because groundwater supplies are not expected to meet demand over the next 20 years.

The water supply assessment also will lay the groundwork for at least the consideration of surface water withdrawals. The draft assessment says that, when water levels are high, "very large quantities are potentially available, especially from the larger rivers such as the Suwannee."

Herd said the water management district would not move forward with any consideration of river withdrawal, or have an accurate idea of how much water is available, until minimum flows and levels are established for the Suwannee River.

"The idea of drawing down on rivers and lakes, they're real considerations," said David Flagg of Gainesville, a member of the Suwannee district's governing board. "That doesn't mean they're the best considerations."

Flagg said conservation would be the preferable route. The draft study estimated that conservation measures could save more than 24 million gallons of water a day by 2030.

Projections have water levels in the Upper Floridan Aquifer, the main source of drinking water throughout the state, dropping by up to 1 foot in much of the eastern part of the Suwannee district and by up to 4 feet in some isolated areas.

Already, there have been impacts. White Springs on the Suwannee River in Columbia County and Worthington Springs on the Santa Fe River in Union County have essentially ceased to flow. The Upper Santa Fe River basin in Union, Bradford and Alachua counties has been declared a water resource caution area, meaning existing water sources cannot meet future demand.

In the future, water use within the Suwannee district is projected to rise anywhere from 10.34 million gallons a day to 62.81 million gallons a day from the current range of 256 million to 263 million gallons a day in the next 20 years.

The study also says that over the next 20 years, groundwater withdrawals in the northern nine counties of the St. Johns district, including Duval, "will be significantly larger than the withdrawals in the entire" Suwannee district.

For the area of the St. Johns district included in the Suwannee study, groundwater withdrawals are projected to rise from 490.7 million gallons a day to nearly 609 million gallon a day by 2030.

The two districts are coordinating efforts on the update of their water supply assessments. The St. Johns district's governing board is expected to vote on its assessment next spring or summer, spokesman Ed Garland said.

The Suwannee district board should vote on its study this December, Herd said.

Annette Long, with the environmental group Save Our Suwannee, said she found it frustrating that the district on the one hand states there is a future water supply problem but also continues to issue permits for large withdrawals.

"It boggles my mind that they didn't figure this out in the permitting process," she said.

On Thursday, Herd said that under state law, water management districts were in a "Catch 22," legally required to approve permits for uses deemed "reasonable and beneficial" but also responsible for protecting the resource.

Contact Christopher Curry at 374-5088 or chris.curry@gvillesun.com.

From: Diane Salz <disalz@yahoo.com>
Subject: **Fw: TBW urged to sell water to Polk Co.**
Date: November 1, 2010 3:11:47 PM EDT
To: Jack Sullivan <jesull@comcast.net>

--- On Mon, 11/1/10, Diane Salz <disalz@yahoo.com> wrote:

From: Diane Salz <disalz@yahoo.com>
Subject: TBW urged to sell water to Polk Co.
To: "Diane Salz" <disalz@yahoo.com>
Date: Monday, November 1, 2010, 3:11 PM

CLEARWATER — Tampa Bay Water was created to provide water to Pinellas, Hillsborough and Pasco counties. Now state officials are pressuring the utility to sell its product to a thirsty new customer: Polk County.

After all, members of the Southwest Florida Water Management District pointed out during a recent meeting, the utility's expensive desalination plant — which taxpayers helped finance — has been sitting idle for months.

"I do want to see genuine cooperation between Tampa Bay Water and Polk County," Swiftmud member Neil Combee, a former Polk County commissioner, warned Tampa Bay Water officials. "We have a significant investment in alternative water supply for the Tampa Bay area, and we expect to be treated fairly."

Tampa Bay Water general manager Gerald Seeber was quick to reassure Swiftmud the agency has already begun negotiating with Polk officials about selling them water. However, he said, they face a huge obstacle in piping their product to the inland county.

"The biggest issues are the connection points and the cost to make those right now would be pretty tremendous," Seeber told the Swiftmud board at its Sept. 28 meeting.

But Tampa Bay Water board member Charlie Miranda sees an even greater reason for caution: politics. Miranda, a Tampa City Council member, said the only reason he could see for Tampa Bay Water to agree to such a deal is because Polk County officials are tight with powerful state lawmakers.

"This is politics and I want no part of politics," he warned his fellow utility board members at an Oct. 18 meeting.

"Somewhere along the line it becomes a political struggle over power. ... They want us to run an expensive plant when we don't need to."

Miranda didn't mention any names, but state Sen. J.D. Alexander, R-Lake Wales, a citrus grower and rancher, chairs the upper chamber's powerful Policy and Steering Committee on Ways and Means. Alexander has taken an active interest in water issues.

This all began as an ongoing dispute between Swiftmud and Tampa Bay Water over the perpetually troubled desal plant.

Swiftmud contributed \$85 million toward the plant's \$158 million price tag when it was built. The state agency helped Tampa Bay Water build North America's largest desal plant so the region would stop relying so heavily on water pumped out of the ground. Overpumping was causing lakes and wetlands to dry up.

Swiftmud's board members thought they had an ironclad agreement with Tampa Bay Water to run the desal plant all the time, producing nearly 25 million gallons of water a day. Board members were miffed to learn that Tampa Bay Water had idled the plant in recent months.

Utility officials said they didn't need the desal water because the region enjoyed abundant rainfall, a full reservoir and a sharp drop in demand.

"They were disappointed we didn't tell them about it before we did it," Seeber told his board.

Seeber and Hillsborough County Commissioner Mark Sharpe, who chairs the utility's board, showed up at the Swiftmud board meeting to explain that they had put the desal plant on idle to save money. Because of its power demands and chemical usage, the desal plant's water is more expensive than water taken from area rivers or pumped from the ground.

Swiftmud board members said they could understand the desire to be frugal. But then board members from Polk County began prodding Seeber and Sharpe to cut a deal to sell water to Polk as a way to make sure the plant never sits idle again.

One suggested that Swiftmud might help foot the bill for new pipes, too.

"On a short-term basis, if it could be made available, then the only thing we're missing is some way to move it around this region," said Swiftmud board member Paul Senft Jr., like Combee a former Polk County commissioner. "And that might be something we might prioritize in the future."

Polk currently pumps 22 million gallons of water a day out of the ground, and has a Swiftmud permit that allows it to pump up to 33 million gallons, said Polk County Commission Chairman Bob English. But as of 2013, Polk cannot pump any more than that out of the aquifer, he said, even though population projections say the inland county could have 40,000 new residents by 2015, he said.

That's why Polk's eyes have turned to the desal plant, English said, explaining, "We're just preparing for the future."

But so is Tampa Bay Water. In two years, the utility expects to drain its 15 billion gallon reservoir so that its persistent cracking problem can be repaired. The desal plant will probably be needed more than ever during that time, Seeber said.

That's what has Miranda worried — the possibility that the desal plant and its water could become a political football, with Tampa Bay's needs potentially losing out to Polk's superior political clout.

Up until now, Miranda said, Tampa Bay Water has had a mostly harmonious relationship with Swiftmud, so he's wary of giving in to what he regarded as "strong-arming" by the Polk group.

"This is how things start," he said. "This is how marriages fall apart."

Craig Pittman can be reached at craig@sptimes.com.

**10. Legislative
Update**

From: Diane Salz <disalz@yahoo.com>
Subject: **November 2nd Legislative Update**
Date: November 2, 2010 11:17:40 AM EDT
To: Jack Sullivan <jesull@comcast.net>

Jack,
The 2010 Legislative Organizational Session is scheduled for the week of November 15th when committee chairs and members will be appointed following results of today's general election. We are anticipating that thirty percent of the Legislature will be effected by this election, the Governor and full Cabinet, and that there will likely be called a Special Legislative Session that same week while the Legislature is already at the Capital. I will need to be at the Capital representing the Authority's interests at the time of our November 17th Board meeting. Following these legislative events, I will be updating the Board on emerging issues impacting the Authority, newly appointed committee chairs and members, as well as other relevant news as it unfolds. Please let me know if you have any questions.

Thanks,
Diane

**Point of Sale Septic Tank Inspection Programs**

Monday, October 25, 2010 2:07 PM

From: "Diane Salz" <disalz@yahoo.com>
To: "Jack Sullivan" <jesull@comcast.net>
Cc: "Diana Ferguson" <dferguson@fl-counties.com>

Jack,

As a follow-up to Commissioner Dennis Damato's inquiry on county point of sale septic tank inspection programs in Florida, I contacted Gerald Briggs at the FL Dept. of Health. Briggs indicated that there are two counties with point of sale inspection programs: Escambia and Santa Rosa counties. Mr. Briggs indicated that these two counties require an evaluation and notice to the buyer, but no corrective action. Okaloosa County is considering a similar program. Lake and Polk counties have five-year pump-out programs in the Green Swamp, effecting new systems or repair modifications tied to the permitting process. Also, Briggs noted that Duval County partners with utilities in certain targeted areas for inspecting septic systems. Please let me know if you have any questions.

Thanks,
Diane

**11. Attorney's
Report**