



**WITHLACOOCHEE
REGIONAL
WATER
SUPPLY
AUTHORITY**

Board Meeting Package

April 18, 2012
4:30 p.m.

Meeting Location:

Lecanto Government Building
Room 166
3600 W. Sovereign Path
Lecanto, Florida 34461

**MEMORANDUM**

To: Water Supply Authority Board of Directors and Interested Parties

From: Jackson E. Sullivan, Executive Director

Date: April 3, 2012

Subject: Monthly Meeting of the Withlacoochee Regional Water Supply Authority

The next meeting of the Withlacoochee Regional Water Supply Authority will be on **Wednesday, April 18, 2012, 4:30 p.m., at the Lecanto Government Center Building, Room 166, 3600 Sovereign Path, Lecanto, FL 34461.**

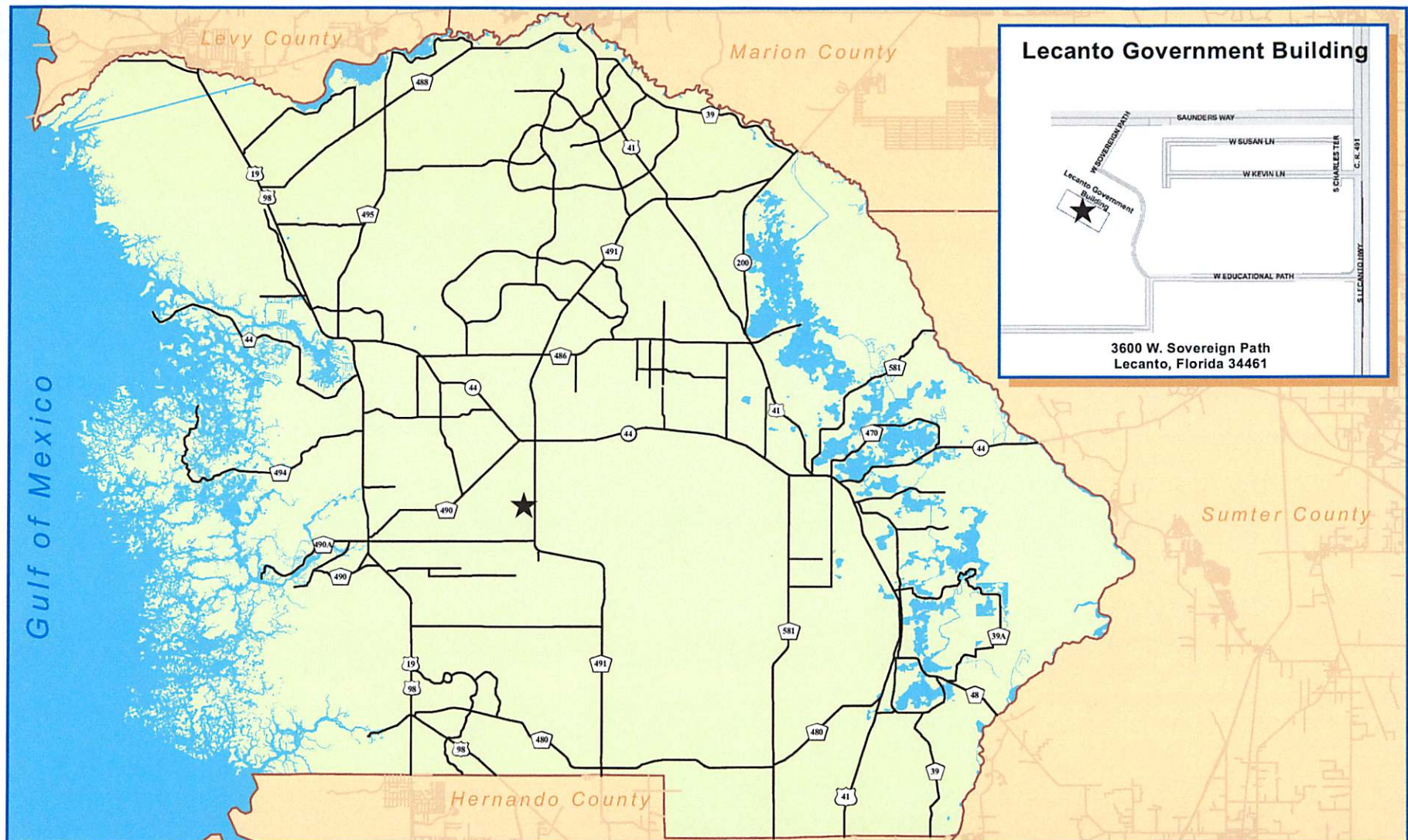
Enclosed for your review are the following items:

- Agenda
- Minutes of the March 21, 2012 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 left side of the page and click on "Meetings." On the slide out menu 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



Gulf of Mexico

Lecanto Government Building



3600 W. Sovereign Path
Lecanto, Florida 34461



Lecanto Government Building Locator Map

Office of Geographic Information Systems

Prepared By : R.W. Voak

Date: January 4, 2012

Source: Enterprise Geodatabase

Map Number: BV000029

This information is to be used for general purposes only. The Citrus County Office of G.I.S. makes every effort to provide content that is accurate and complete as of the date it is printed. However, all information provided must be independently verified by the user.



Driving Directions to 3600 W. Sovereign Path, Lecanto Government Building

From Brooksville:

- Go North on N. Main St. toward S. Broad St./E. Jefferson St.
- Take the 1st Left onto S. Broad St./W. Jefferson St.
- Turn Right onto US 98/Ponce De Leon Blvd.
- Turn Right onto CR 491 toward Lecanto (about 13.5 miles)
- Turn Left on W. Educational Path (traffic signal)
- Turn right at the Park onto W. Sovereign Path; continue to the right to the Lecanto Government Building

From Ocala

- Go southwest on SR 200 into Citrus County
- Turn Right onto CR 491 (stay on 491 through Beverly Hills, crossing Hwy. 486 and SR 44)
- Turn Right on Saunders Way
- Turn Left onto W. Sovereign Path; follow to Lecanto Government Building

From Bushnell

- In Bushnell, Go West on FL-48W
- Turn Right onto US 41; continue to follow US 41 N
- Continue straight onto FL 44 W/W Main St.; continue straight on SR 44
- Turn Left onto CR 491
- Turn Right onto Saunders Way
- Turn Left onto W. Sovereign Path; follow to Lecanto Government Building

From Wildwood

- Go West on SR 44W; continue on SR 44 through Inverness
- Turn Left onto CR 491
- Turn Right onto Saunders Way
- Turn Left onto W. Sovereign Path; follow to Lecanto Government Building.

LGB



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

**LECANTO GOVERNMENT BUILDING
3600 W. SOVEREIGN PATH, ROOM 166
LECANTO, FLORIDA 34461**

**April 18, 2012
4:30 p.m.**

- Item #1 Call to Order**
- Item #2 Roll Call**
- Item #3 Introductions and Announcements**
- Item #4 Approval of Minutes of March 21, 2012**
- Item #5 Introduction of Hans G. Tanzler, III, SJRWMD Executive Director**
- Item #6 Adena Springs Ranch CUP . . . Pete Hubbell, WRA**
- Item #7 Executive Director's Report . . . Jack Sullivan, WRWSA**
 - a. Bills to be Paid**
 - b. CAB rate study update**
 - c. Selection Process update**
 - d. Correspondence**
 - e. News Articles**
- Item #8 Legislative Update . . . Diane Salz, Legislative Consultant**
- Item #9 Attorney's Report . . . Larry Haag, WRWSA Attorney**
- Item #10 Other Business**
- Item #11 Public Comment**
- Item #12 Next Meeting Time and Location . . . May 16, 2012, 4:30 p.m., Lecanto Government Building, Room 166, 3600 W. Sovereign Path, Lecanto, Florida 34461**
- Item #13 Adjournment**

**Item #4 Minutes
March 21, 2012**

**WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY
BOARD OF DIRECTORS MEETING MINUTES
March 21, 2012**

TIME: 4:30 p.m.
PLACE: Withlacoochee Regional Planning Council
3600 W. Sovereign Path, Room 166
Lecanto, Florida 34461

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

1. Call to Order

Chairman Dennis Damato called the Withlacoochee Regional Water Supply Authority meeting to order at 4:32 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

Dennis Damato, Chairman, Citrus County Commissioner
Mary S. Rich, Ocala City Councilwoman
John McLeod, Ocala City Councilman
Rebecca Bays, Citrus County Commissioner
Jim Adkins, Hernando County Commissioner
Maureen McNiff, Crystal River City Councilwoman
Gary Ernst, Belleview City Councilman
Stan McClain, Marion County Commissioner
Dale Swain, Bushnell City Councilman
Richard Hoffman, Sumter County Commissioner
John Druzbeck, Vice Chairman, Hernando County Commissioner
Joe Johnston, Brooksville City Councilman

MEMBERS ABSENT

Charlie Stone, Marion County Commissioner
Wayne Dukes, Hernando County Commissioner
David Russell, Hernando County Commissioner
Carl Zalak, Treasurer, Marion County Commissioner
Randy Mask, Sumter County Commissioner
Winn Webb, Citrus County Commissioner

3. Introductions and Announcements

Mr. Jack Sullivan introduced others in the audience.

OTHERS PRESENT

Jack Sullivan, WRWSA Executive Director
Larry Haag, WRWSA Attorney
Nancy Smith, Recording Secretary
Pete Hubbell, Water Resource Associates, Inc.
Diane Salz, Legislative Consultant
Mark White, Purvis Gray & Company
David Hornsby, SJRWMD
Lois Sorensen, SWFWMD

Alys Brockway, Hernando County Utilities
Ken Cheek, Citrus County Utilities
Al Grubman, TOOFAR
Bobby Lue, SWFWMD
Bruce Wirth, Citizen
Richard Owen, Citizen
Robert Knight, Citizen
Debra Burden, Citrus County Utilities
John Ferguson, SWFWMD
Doug Andrews, Marion County Utilities
Michael Czerwinski, Michael G. Czerwinski P.A. Environmental Consultants

4. Approval of Minutes of February 15, 2012 Meeting

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

Following consideration, a motion was made by Mr. Swain to approve the minutes for the February 15, 2012 meeting. The motion was seconded by Mr. McClain and carried unanimously.

5. Phase III Water Restrictions . . . Lois Sorensen, SWFWMD

Lois Sorensen, Demand Management Program Manager with SWFWMD, updated the Authority on the Modified Phase III watering restrictions that affect the WRWSA member governments experiencing a critical shortage of rainfall. The Phase III restrictions began on March 10, 2012 and are scheduled to expire on June 30, 2012. The restrictions apply to Hernando, Citrus, Sumter, Lake and Levy counties, the City of Dunnellon and The Villages in Marion County. Further information can be found on the District's website at www.WaterMatters.org.

This item was presented for information only; no action was required.

6. Briefing for New Members . . . Jack Sullivan, WRWSA

Mr. Sullivan presented an overview of the organization and development of the WRWSA for the benefit of members new to the Authority. Questions and discussion followed the presentation. Information was provided in the packet, in the WRWSA Information Handbook, and in a power point presentation.

This item was presented for information only; no action was required.

7. Executive Director's Report ... Jack Sullivan, WRWSA

a. Bills to be Paid

Mr. Sullivan provided a handout to the Board detailing the bills for March 2012 and requested the Board approve payment of these bills in the amount of \$25,931.02.

Following consideration, a motion was made by Mr. Swain to approve payment of the March 2012 bills totaling \$25,931.02. The motion was seconded by Ms. Rich and carried unanimously.

b. 1st Quarter Financial Report

Mr. Sullivan reviewed the 1st Quarter Financial Report prepared by Purvis Gray & Company and referred to the report in the Board Packet. After presenting the financial report, Mr. Sullivan recommended that the Board approve the report.

Following consideration, **a motion was made by Ms. Bays to approve the 1st Quarter Financial Report. The motion was seconded by Ms. McNiff and carried unanimously.**

c. Update on Citrus Wellfield Rate Study/CAB Evaluation

Mr. Sullivan presented an update on the status of the Citrus Wellfield Rate Study and evaluation of the Charles A. Black Water Supply Facility (CAB) Renewal and Replacement Fund. Mr. Sullivan said the Authority authorized an analysis of the current project facility charges. This analysis may lead to contract revisions for payments from Citrus County to be based on the amount of water being pumped rather than just pay back for the capital costs of the facility. Mark White, Purvis Gray & Company, is proceeding with that analysis. In order to have a complete list of all financial obligations of the Authority and Citrus County, the renewal and replacement fund should be reviewed at the same time.

Mr. Sullivan suggested that if the evaluation of the Renewal and Replacement Fund is combined with the triennial engineering evaluation of CAB, one engineering firm could be selected to do both. The Authority has a list of engineering firms that were previously approved through the competitive negotiations process. Mr. Sullivan recommended that the Board authorize the Executive Director to contact Tampa Bay Engineering, a listed firm, to initiate negotiations for the Charles A. Black engineering evaluation and to the update the capital cost analysis for the Renewal & Replacement fund. The total cost should be less than \$25,000. The Board discussed the current basis for Citrus County repayment, the role of the SWFWMD, the potential use of the results of the renewal and replacement fund review, and the potential purchase of water.

< Commissioner Bays left the meeting at 5:55 p.m. >

Following consideration, **a motion was made by Mr. Druzbeck to authorize the Executive Director to contact Tampa Bay Engineering to initiate negotiations for the Charles A. Black evaluation and update of the capital cost analysis for the renewal and replacement fund. The motion was seconded by Mr. Johnston and carried unanimously.**

d. Water Conservation Resolution

Mr. Sullivan advised the Board that he had prepared a Water Conservation Resolution to designate April as the water conservation month within the region. He recommended that the Board approve the resolution.

Following consideration, **a motion was made by Mr. Adkins to approve the Water Conservation Resolution designating the month of April 2012 as water conservation month. The motion was seconded by Mr. Swain and carried unanimously.**

e. Public Records Seminar

Mr. Sullivan requested that Nancy Smith, Administrative Assistant, be authorized to attend a public records seminar in Tallahassee, Florida on April 12, 2012. The cost is estimated as \$425.

Following consideration, a motion was made by Mr. Swain to authorize Ms. Smith to attend the public records seminar in Tallahassee. The motion was seconded by Ms. Rich and carried unanimously.

f. Adena Ranch CUP

Mr. Hubbell, Water Resource Associates, presented information about the proposed Adena Springs Ranch Consumptive Use Permit (CUP) application in Marion County, and within the St. Johns' River Water Management District. The Adena Springs Ranch CUP application is for 13.3 million gallons of water per day for a cattle ranch and processing plant. Mr. Hubbell included a set of recommendations in the power point presentation for the Board's consideration. The recommendations are:

1. Request that the WRWSA be placed on the interested parties list with the SJRWMD;
2. Draft letter for Chairman's signature putting concerns on the record;
3. Continue to review information submitted by applicant: a) reasonable & beneficial use; b) Groundwater modeling; c) APT test; and d) Water quality issues;
4. Update Board at critical points of the review and approval process;
5. At some future point, formulate possible action by the WRWSA.

Following consideration, a motion was made by Mr. Druzbeck to adopt the recommendations as drafted. The motion was seconded by Mr. McClain and carried unanimously.

g. News Articles

These items were provided for information only. No action was required.

8. Legislative Update ... Diane Salz, Legislative Consultant

Ms. Salz provided updates on the status of various bills at the end of the legislative session. The list of items reviewed was provided as a handout to the Board. In addition, Ms. Salz reported that there were no changes regarding the land application of septage in this session; however, counties with first magnitude springs may have additional septic tank inspection requirements.

Mr. Druzbeck requested that the information about septic tanks be forwarded to Hernando County. Chairman Damato requested that a bulleted list of requirements for counties containing first magnitude springs be provided at the next Board meeting.

9. Attorney's Report ... Larry Haag, WRWSA Attorney

Mr. Haag had no business to report at this time.

10. Other Business

There was no other business

11. Public Comment

There was no comment by the public.

Chairman Damato presented a plaque to Mr. McClain in appreciation for his service to the WRWSA as chairman for the year 2011.

12. Next Meeting Time and Location

The next meeting is scheduled for April 18, 2012 at 4:30 p.m., at the Lecanto Government Building, Room 166, 3600 W. Sovereign Path, Lecanto, Florida 34461.

13. Adjournment

Chairman Damato announced there was no further business or discussion to come before the WRWSA and adjourned the meeting at 6:58 p.m.

Dennis Damato, Chairman

Jackson E. Sullivan, Executive Director

Item #5
Hans Tanzler



St. Johns River
Water Management District

floridaswater.com

Hans G. Tanzler III

Executive Director



Hans G. Tanzler III was named Executive Director on Oct. 11, 2011, after serving as the director of the St. Johns River Water Management District's Office of General Counsel.

Tanzler received law degrees from the University of Florida and has been a member of the Florida Bar for more than 30 years. He is also a certified public accountant and has worked as an assistant U.S. attorney, an Internal Revenue Service attorney, an attorney in private practice, and a senior corporate business executive.

Tanzler has been active for more than 20 years with volunteer and community activities, currently serving on the boards of the University of Florida Foundation and The Conservation Trust of Florida, and having previously served as chairman of the Jacksonville Zoological Society and commissioner for the Gulf States Marine Fisheries Commission.

Former Gov. Charlie Crist appointed Tanzler in April 2008 to the District's Governing Board, which he served on until becoming director of the Office of General Counsel in July 2011. While on the Board, Tanzler served as vice chairman and treasurer.

St. Johns River Water Management District
4049 Reid Street, Palatka, FL 32177
(800) 725-5922

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Item #6
Adena Springs Ranch



April 5, 2012

Mr. Hans Tanzler, Executive Director
St. Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429

RE: Adena Springs Proposed Consumptive Use Permit

Dear Mr. Tanzler:

On behalf of the Withlacoochee Regional Water Supply Authority (WRWSA) I am writing you to express our concerns regarding the proposed Adena Springs Ranch Consumptive Use Permit (CUP). As you are aware the WRWSA is an organization that represents four counties including Citrus, Hernando, Marion and Sumter and their major municipalities with all aspects of water supply planning, water supply development and environmental protection provided for under Florida statutes. The WRWSA is a regional forum regarding these initiatives and has been aggressively developing water supply planning strategies that include regional and sub-regional collaborative efforts between Authority members including both traditional and alternative water supply sources.

The proposed Adena Springs Ranch CUP was brought to the WRWSA Board's attention by a spring's protection group at our February 2012 meeting. Following that presentation, the Authority requested our technical consultant to present a more detailed review of the proposed CUP at our March meeting. Based on that overview and subsequent information that has been provided, the WRWSA has genuine concerns with the permit application and is formally going on record with this letter to ensure that they are adequately addressed throughout the St. Johns River Water Management District (SJRWMD) review process. These issues include but are not limited to:

1. Location of the proposed cattle operation within the springshed of Silver Springs and the Silver River: Our concern is that the nutrient loading that is inherent with this grass fed cattle operation, together with the manure associated with the proposed 30,000 head of cattle, will have an impact to water quality in this spring/river system. Silver Springs and Silver River system is already considered impaired by the Florida Department of Environmental Protection (FDEP) for nitrates.

2. Excessive use of groundwater for pasture irrigation: Of the 13.3 mgd of groundwater withdrawals proposed 12.6 mgd or roughly 95% is for pasture irrigation of 9,800-acres. Pasture irrigation in Florida is not a normal agricultural practice for cattle operations. These quantities result in a high supplemental irrigation rate per acre that based on the information provided by the applicant appear unjustified.
3. Lack of hydrogeologic information for this part of Marion County: Although the District's Request for Additional Information requires the applicant to conduct an aquifer performance test to better define aquifer characteristics, this part of the SJRWMD continues to be sorely lacking in hydrogeologic information. The karst nature of the area is also troubling when determining aquifer characteristics of the proposed site due to the non-homogenous nature of the aquifer system. Groundwater modeling must be closely reviewed and conservatively interpreted to determine predictive drawdown results.
4. Potential interference with a proposed WRWSA water supply project: The Adena Springs Ranch project is located immediately to the west of the proposed Northeast Marion Wellfield. This project was identified by the WRWSA as part of our water supply planning process in 2010. The ability to develop this wellfield will be adversely impacted by another large water use in the immediate area directly adjacent to the project such as Adena Springs Ranch.

Based on these issues the WRWSA has a great deal of concern regarding the CUP application. We respectfully request that the SJRWMD place the Authority on your "interested parties" list and copy us with any information generated by the applicant in support of the request, correspondence from the SJRWMD or any impending action that may be taken on the CUP application.

Thanking you in advance.

Sincerely,

Dennis Damato
Chairman, WRWSA

cc WRWSA Board Members
 Jack Sullivan, WRWSA Executive Director
 Larry Haag, WRWSA Attorney
 Pete Hubbell, Water Resource Associates

Adena Springs Proposed Consumptive Use Permit

Recommendations

- * Request that the WRWSA be placed on the interested parties list with the SJRWMD;
- * Draft letter for Chairman's signature putting concerns on the record;
- * Continue to review information submitted by the applicant;
 - * Reasonable & beneficial use;
 - * Groundwater modeling;
 - * APT test; and
 - * Water quality issues.
- * Update Board at critical points of the review and approval process;
- * At some future point, formulate possible action by the WRWSA.



Proposed Adena Springs Ranch Consumptive Use Permit

At the February WRWSA Board Meeting a representative of the Rainbow River Conservation, Inc. addressed the Board regarding a proposed water use being planned in Marion County known as the Adena Springs Ranch (see enclosed map). The Rainbow River Conservation group is concerned about the proposed water usage and its impacts on spring flows in and around the area and the potential impacts to groundwater quality from a cattle ranch and meat processing facility.

The St. Johns River Water Management District received a consumptive use permit (CUP) application on Dec. 2, 2011, for the Adena Springs Ranch in Marion County. The permit application, which District staff is currently reviewing, seeks to withdraw 13.267 million gallons of water per day (mgd) for agricultural, commercial, industrial, and livestock uses.

Prior to the permit application being received by the District, District staff met with the applicant to discuss their plans. The applicant originally discussed applying for a permit to withdraw 27 mgd, but that amount was reduced to 13.267 mgd after meeting with staff and discussing reasonable water quantities for their intended uses.

The applicant proposes using the 13.267 mgd for the following:

- Agriculture to grow forage (food) for cattle (12.56 mgd)
- Cattle watering (0.48 mgd)
- Power plant cooling (0.16 mgd)
- Plant processing (0.06 mgd)
- Potable water for employees (0.005 mgd)
- Pesticide use (0.004 mgd)

Following its initial review of the application, District staff sent a Request for Additional Information (RAI) to the applicant on Dec. 29, 2011. The applicant has 120 days to respond to the RAI or to ask for an extension of the time frame. The date to provide a complete response to the RAI is April 28, 2012. The applicant has provided some of the additional information that was requested.

The Authority's consultant Water Resource Associates (WRA) will be presenting an overview of the permit at the March meeting. They will be also analyzing and reporting on any potential impacts to the water supply planning efforts of the Authority and to surrounding waterbodies.

Recommendation:

Recommendations are being formulated. At a minimum, it is recommended that the Authority request being listed as an interested party with the SJRWMD to be notified by the District on additional information supplied by the applicant and any District proposed agency action.

Forum Goals

Get Informed! Get Involved! It's Your Water!

Send comments to the St. Johns River Water Management District

www.floridaswater.com

According to their website, public input is an important part of the permitting process. SJRWMD makes it simple to follow the permit process and to have an input on topics of importance to the public., including the Adena Springs Ranch Consumptive Use Permit (sjrwmd.com/facts/AdenaSpringsRanchCUP).

Join Silver Springs Alliance, Inc.

The goal of the Silver Springs Alliance is to ensure the protection of a healthy ecosystem at Silver Springs for future generations. The Silver Springs Alliance recognizes that the groundwater supply of Marion County is finite and vulnerable to overuse and pollution due to human activity. Therefore, it is the goal of the Silver Springs Alliance to ensure the sustainability (quantity and quality) of the Floridan Aquifer System, the primary source of water that nourishes Silver Springs. To accomplish these goals the Silver Springs Alliance will advocate for actions that provide for the long-term maintenance of a healthy Silver Springs, Silver River and the contributing area of the Floridan Aquifer (collectively termed the Silver Springs System).

We advocate for the Silver Springs System and the environment and the surface and ground watershed that impact the Springs and/or the River.

We conserve, protect and enhance fish, wildlife and the inhabitants of the Silver Springs System.

We support stewardship of the Silver Springs System

We produce and make available suitable interpretative and educational events and materials to increase understanding of Silver Springs System, its wildlife and the environment that impacts these areas.

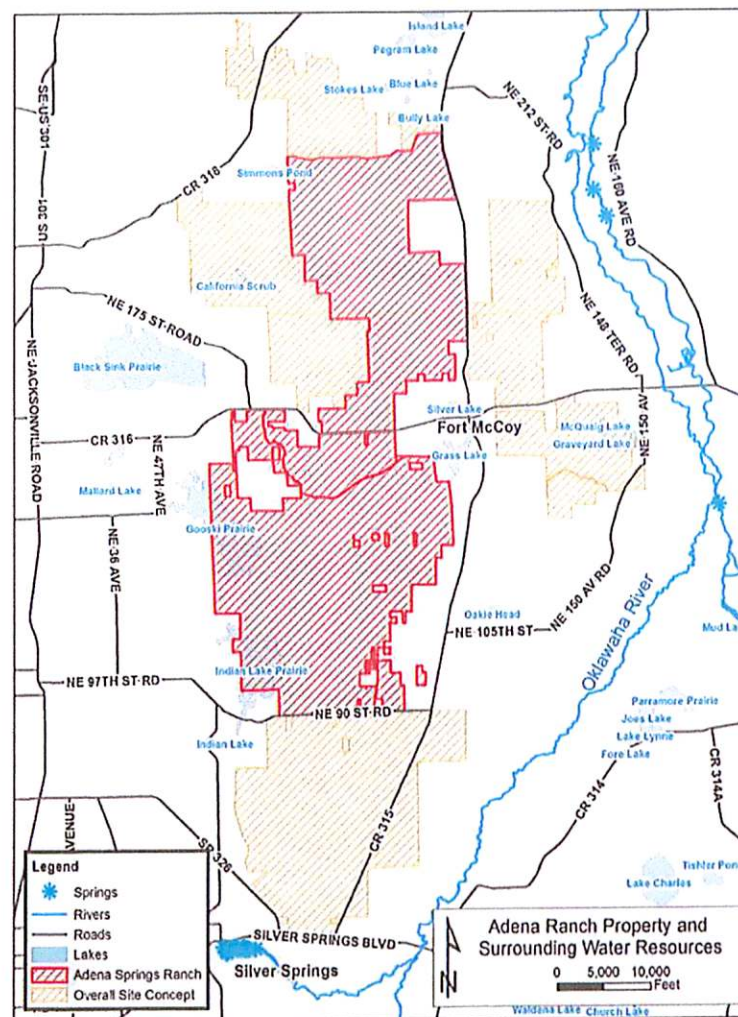
silverspringsalliance@gmail.com



THE CANNON
LAW FIRM

Corporate Sponsor of this Event

Silver Springs' Future: Public Forum on Water Consumption & the Adena Springs Ranch Water Permit



Ewers Century Center Klein Conference Room

Tuesday, April 3, 2012, 6 to 8 pm

Forum Agenda

Speakers, 6 to 7:15 pm

- Andy Kesselring, President, Silver Springs Alliance, Inc.
- Bob Knight, PhD., Director, Howard T. Odum Florida Springs Institute
- Mike Register, St. Johns River Water Management District
- Barbara Fitos, Executive Director, Community Foundation for Ocala Marion County
- Representative of Florida Department of Environmental Protection

Q & A Panel Members, 7:15 to 8pm

- Guy Marwick, Executive Director, Felburn Foundation
- Neil Chonin, Esq., Environmental Lawyer, Southern Justice Association
- Roy R. "Robin" Lewis III, PhD., Professional Wetland Scientist & Certified Senior Ecologist, Ecological Society of America

Commonly Referenced Acronyms in the Business of Water

AWTP : advanced wastewater treatment plant
BMP : best management practice
cfs : cubic feet per second; 1 cfs = 0.646 MGD
CUP : consumptive use permit
DACS : Department of Agriculture and Consumer Services (Florida)
DCA : Department of Community Affairs (Florida)
DEP : Department of Environmental Protection (Florida)
DOH : Department of Health (Florida)
EPA : Environmental Protection Agency (United States)
ERP : Environmental Resource Permit
FAC : Florida Administrative Code
FGS : Florida Geological Survey
FS : Florida Statutes
FSI : Florida Springs Institute

Forum Facts

Adena Springs Consumptive Use Permit:

- Submitted application on December 2, 2011 for a grass-fed cattle farm and slaughterhouse operation.
- Requesting 13.267 million gallons per day and 134 wells from the Floridan Aquifer on 30,000 acres.
- Includes 87 center-pivot irrigation fields that will be fertilized for optimal grass yields.

Anticipated Impacts Include:

- Reduced flow to Silver Springs: 1) Analysis by Florida Springs Institute shows Silver Springs' flow has declined by 50% since 1965; area rainfall has dropped by 15%. The total flow decline cannot be attributed to drought. 2) Hydrogeologic Impact Analysis by Adena Springs Ranch indicates there will be no impact on the flow of water of Silver Springs.
- Increased nitrate load to the Aquifer, Silver Springs, its River, Ocklawaha and St. Johns rivers: 1) Analysis by Florida Springs Institute shows nitrate-nitrogen increase of 176% since 1965. 2) Adena Beef will apply all fertilizer materials using Best Management Practices.

GIS : Geographic Information System
GPM : gallons per minute
IFAS : Institute of Food and Agricultural Sciences (University of Florida)
MFL : Minimum Flows and Levels
mg/L : milligrams per liter, referred to as parts per million (ppm)
MGD : million gallons per day
OFW : Outstanding Florida Water
OSTDS : Onsite Sewage Treatment & Disposal System (septic tank system)
RIB : Rapid Infiltration Basin
SJRWMD : St. Johns River Water Management District
SWFWMD : Southwest Florida Water Management District
TMDL : total maximum daily load
USGS : United States Geological Survey
WMD : Water Management District



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LEGAL FIGHT TO PROTECT SILVER SPRINGS

We at Southern Legal Counsel are proud to have become involved in the struggle to protect Silver Springs and the Floridian Aquifer. We are a 501(c)(3) non-profit public interest law firm. Silver Springs, the Silver River and the Ocklawaha River Aquatic Preserve are threatened by an application to withdraw 13 million gallons a day from the Floridian Aquifer near Silver Springs. In order to present the best defense of these water resources, we need to get prepared now by hiring appropriate scientists to begin independent review of the Adena water use permit application and the agency's determinations. Should the water management district issue a permit allowing further unacceptable drawdown impacts, legal proceedings will have to be initiated in a matter of weeks. Appropriate preparation for a hearing of this nature requires extensive legal work, including working with experts who may testify and discovering the other parties' evidence through witness depositions and written questions. We need to be able to use these tools to develop the best case for resource protection. The applicant is likely willing to spend 100s of thousands of dollars on lawyers and scientists to obtain this permit, and we need to be financially able to stand up to this.

Please help us by making a financial contribution and returning it to us in the envelope provided or by going to our website www.southernlegal.org and making a donation online.

Silver Springs and our water resources are worth fighting for!

Item #7a
Bills to be Paid

Item #7b
CAB Rate Study

**MEMORANDUM**

April 3, 2012

To: Board of Directors, WRWSA

From: Jack Sullivan, Executive Director

Re: CAB Rate Study Update

The Board authorized at the last Board meeting for me to contact Tampa Bay Engineering (TBE) to prepare the triennial evaluation of the Charles A. Black facility and to reevaluate the renewal and replacement (R&R) fund. I have contacted Larry Fluty, P.E. with Cardno TBE in its Brooksville office. Mr. Fluty is in the process of preparing a scope of services for both aspects of the engagement and both of us are also working to prepare a contract for these services. Although Mr. Fluty, Larry Haag and I are working to bring a contract to the Board at its April 18 Board meeting, it may not be until the May 16 meeting that we complete the negotiations and contract.

The working group of Jack Sullivan, Mark White, Pete Hubbell and Larry Haag are in the process of meeting with Citrus County's new Utility Director, Ken Cheek, P.E., to bring him up to date on the rate analysis. Since the R&R study is part of the overall rate analysis, the timeframe for pulling all of the information together and making a presentation to the Board may not occur until later in the calendar year.

This memorandum is for Board information and no action is required.

Item #7c
Selection Process

**MEMORANDUM**

April 3, 2012

To: Board of Directors, WRWSA

From: Jack Sullivan, Executive Director

Re: **Ranking of Executive Director Candidates and Contract Negotiations**

Before the May 16, 2012 Board meeting in which the Board will interview and rank the E.D. applicants, I wanted to clarify the process for ranking the applicants and negotiating an initial contract. I propose utilizing the same process that the Board has used in selecting consultants for engineering and planning projects. As in the past, when interviewing potential Executive Director candidates, the Board would use the following process:

1. After interviewing the applicants, a ballot with the applicants' names will be provided. Each Board member shall rank the applicants in the order they prefer with the highest ranking being #1 down to the lowest ranking.
2. The staff shall collect the ballots and compile the rankings.
3. The candidates will be ranked as follows: The candidate with the most #1 votes will be ranked as #1; the candidate with the second highest #1 votes will be #2 and so on.
4. In the case of tie votes, a second ballot will be provided with discussion among the Board members to arrive at a consensus vote.
5. The highest ranked candidate will enter into negotiations at a time and date to be determined. Using the Executive Director's current contract as a guide, the staff plus one officer of the Board will negotiate the selected Executive Director's terms of engagement. The contract will be presented at the next Board meeting for review and approval by the full Board.
6. If a contract cannot be negotiated with the #1 applicant, then the #2 applicant will enter negotiations and so on. If a contract cannot be negotiated with the ranked applicants, then the entire selection process will be repeated.

Order Received	Name	date	via	resume	cover letter	references	Received; notified of missing documents	Confirm receipt
1	Claude Strauss	2/27/12	email	X			2/27/12	
2	Kent Kimmons	2/27/12	email	X	X	X	2/27/12	2/29/12
3	Matthew Re	2/27/12	email	X			2/27/12	
4	Lee R. Jones	2/27/12	email	X			2/27/12	
5	Donald B. Miller	2/27/12	email	X	X	X	3/1/12	3/7/12
6	Brandon Jay Martin	2/28/12	fax	X	X	X	2/28/12	2/29/12
7	Ileana Verguizas	2/28/12	email	X			2/28/12	
8	Najja K. Baptist	2/28/12	email	X	X	X		2/29/12
9	Brian P. Moore	2/28/12	email	X	X	X		2/29/12
10	Deborah Horvath	2/29/12	email	X	X	X		2/29/12
11	William R. Laferriere	2/29/12	email	X	X	X	2/29/12	2/29/12
12	James W. Smith	2/29/12	email	X	X	X		2/29/12
13	Janice Aultman	3/5/12	email	X	X	X	3/5/212	3/15/12
14	Steven G. Gold	3/6/12	email	X	X	X	3/6/12	3/7/12
15	Courtlandt Lilly	3/8/12	email	X			3/8/12	
16	Glenn Vann	3/13/12	email	X	X	X		3/13/12
17	Bruce Wirth	3/14/12	email	X	X	X		3/14/12
18	Santarvis Brown	3/26/12	email	X	X	X		3/26/12
19	Richard S. Owen	3/28/12	mail	X	X	X		3/28/12
20	Chad Johannesen	3/30/12	email	X	X	X		3/30/12
21	Michael G. Czerwinski	3/30/12	email	X	X	X		3/30/12
22	Robert Knight	3/30/12	email	X	X	X		3/30/12
	incomplete due to lack of references and cover letter							

Item #7d
Correspondence



March 28, 2012

Dr. Lee A. Niblock
Marion County Administrator
601 S.E. 25th Ave.
Ocala, FL 34471

RE: WRWSA Water Conservation Resolution

Dear Dr. Niblock:

On March 21, 2012, the Withlacoochee Regional Water Supply Authority adopted a resolution designating April as Water Conservation Month. The WRWSA Board of Directors is committed to and encourages water conservation measures within the Withlacoochee Region.

The WRWSA Board hopes that the Marion County Board of County Commissioners will join with the WRWSA efforts to increase water conservation by adopting a similar resolution or other appropriate measures to increase awareness.

The WRWSA Resolution 2012-1 is enclosed.

Sincerely,

Jackson E. Sullivan, Executive Director
WRWSA

Cc: WRWSA Board Members
Larry Haag, Attorney, WRWSA
Blake Guillory, Executive Director, SWFWMD
Hans Tanzler, Executive Director, SJRWMD ✓

Enc: Resolution 2012-1

Item #7e
News Articles



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Save the Springs

By [Brad Rogers](#)

Editorial page editor

Published: Sunday, April 1, 2012 at 6:30 a.m.

Probably no issue generates more agreement and passion in Ocala/Marion County than water. And there is probably no better or beloved barometer of our water health and wealth than the iconic Silver Springs.

So when billionaire Frank Stronach's handlers announced that plans for his 24,000-acre Adena Springs Ranch, just a few miles north of Silver Springs, included pumping 13 million gallons of water a day from the aquifer, it turned the community's collective head.

Because of the ranch's proximity, it is only logical to ask: What impact will pumping that much water have on the aquifer, especially Silver Springs? Surely, with that kind of water withdrawal, more than the city of Ocala pumps every day, answers are warranted — indisputable answers.

Silver Springs watchers, like longtime researcher Bob Knight and green-leaning former county commissioner and Ocala city councilman Andy Kesselring, wondered who would defend the Springs in what is certain to be an intense, indeed historic debate over the Stronach permit request.

It turned out there was no one. The once active Silver Springs Working Group dissolved last year, a victim of Gov. Rick Scott's deep cuts to water management budgets.

So those who knew the Springs best decided Silver Springs needed an advocacy group. Rainbow Springs has one. Wekiva Springs has one. So does Wakulla Springs. But the granddaddy of Florida's 700 springs, arguably the biggest and most famous spring in the world, had no one to speak for it.

Well, it does now. And they are wasting no time speaking up. The newly formed Silver Springs Alliance, led by Kesselring as its president, will host a community forum on the Adena Springs permit from 6-8 p.m. Tuesday night at the Klein Center at the College of Central Florida. The public is invited, and it is free.

"We want to be the go-to community organization to help preserve and enhance Silver Springs," Kesselring told me. "It wasn't born to be in opposition to anything, it's really to be an advocate for something — for Silver Springs."

The Silver Springs Alliance believes the Adena Springs permit is the perfect issue to hang its hat on. Tuesday's meeting will feature someone from the water district and experts on water ethics and the health of the Springs, plus a panel discussion and Q&A. The group has also invited Adena Springs' representatives.

The aim is to provide “good science” to the public.

“Hopefully, if reasonable people can come together, we can have a sustainable development out there,” Kesselring said. “It’s probably going to happen, so what can we suggest to make it better.”

If every effort isn’t made to protect and preserve the Springs, he lamented, its survival is in question, pure and simple. “We’ve got some real significant problems out there at the Springs,” including high nitrate levels, declining flows, disappearing fish populations and increasing plant “monocultures.”

“... Those are things that are not indicative of a healthy river. There are a number of things that show the river is under stress. Our goal is to study the causes of these things and come up with reasonable solutions for bringing (The Springs and river) back.”

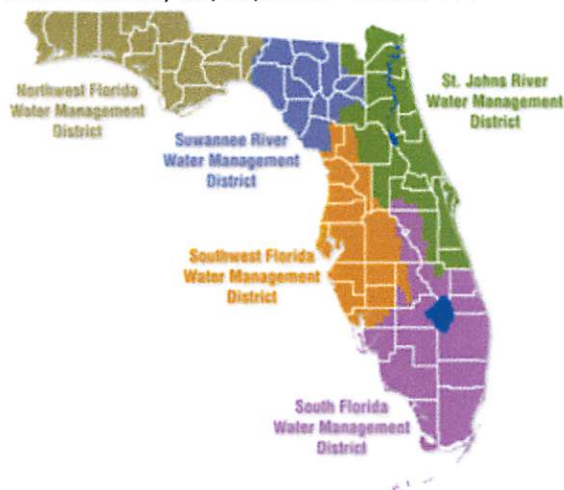
Tuesday night will be the Silver Springs Alliance’s first step toward rallying the community around that goal.

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From: Diane Salz <disalz@yahoo.com>
Subject: Fw: WMD Budget Bill
Date: March 8, 2012 7:29:57 AM EST
To: Jack Sullivan <jesull@comcast.net>
Reply-To: Diane Salz <disalz@yahoo.com>

----- Forwarded Message -----
From: Diane Salz <disalz@yahoo.com>
To: Diane Salz <disalz@yahoo.com>
Sent: Thursday, March 8, 2012 7:29 AM
Subject: WMD Budget Bill

House, Senate budget chairmen agree on water management districts' budgeting bill
Bruce Ritchie, 03/07/2012 - 10:15 PM



The House and Senate budget chairmen agreed Wednesday night on language in **SB 1986**, a budget conforming bill involving oversight of water management district budgets.

Florida has five independent water management districts governed by appointed boards with the power to collect property taxes. Critics say the districts lack oversight by elected officials.

Last year, **SB 2142** cut water management district property tax revenues by \$210 million. Environmentalists were especially critical of the cuts, with former **U.S. Sen. Bob Graham** [in November calling](#) on **Gov. Rick Scott** to restore funding for the districts.

SB 1986 as passed by the Senate lifts revenue caps while requiring legislative approval of some spending. But the governor's staff has raised concerns about legislative involvement in the review process, according to senators.

Compromise language approved Wednesday would lift the budget caps and provides that the Legislature may annually review preliminary water management district budgets. If the Legislature takes no action by July 1, the districts can proceed based on their preliminary budgets, according to a bill comparison.

The modified bill language also specifies that the Legislature may enact legislation to set the property tax rate, which some environmentalists oppose. The tax rate now is set by the Legislature in state law and in the **Florida Constitution**.

SB 1986 provides the Legislature with more "interplay" in the districts' budget-setting process while recognizing their constitutional independence, **Senate Budget chief JD Alexander said**.

"We are responsible for the decisions they make without having us get into micromanaging water management districts," Alexander said. "It keeps us more aware than we have been in the past but it transfers most of the authority to the governor" to ensure the districts carry out their missions.

Janet Bowman, an attorney who is **The Nature Conservancy's** director of legislative and conservation strategies, said the bill is an improvement because it lifts the revenue caps. But she said the compromise version involves the Legislature more in budgeting than in an earlier House version.

"We greatly appreciate the caps being removed," she said. "However, the bill increases legislative and

gubernatorial control over the water management district budget at the end of the day. And we hope this new authority is used judiciously with the protection of water resources being the goal."

From: Diane Salz <disalz@yahoo.com>
Subject: Fw: 2012 session summary: environment & natural resources
Date: March 13, 2012 5:23:57 PM EDT
To: Jack Sullivan <jesull@comcast.net>
Reply-To: Diane Salz <disalz@yahoo.com>

— Forwarded Message —

From: Diane Salz <disalz@yahoo.com>
To: Diane Salz <disalz@yahoo.com>
Sent: Tuesday, March 13, 2012 5:16 PM
Subject: 2012 session summary: environment & natural resources

2012 session summary: Environment and Natural Resources
Bruce Ritchie, 03/13/2012 - 12:50 PM

Former **U.S. Sen. Bob Graham** and **Nathaniel P. Reed** of Hobe Sound were among the speakers in November during an environmental rally outside the Capitol. They called on **Gov. Rick Scott** to show leadership on environmental issues and for the Legislature to undo some of the harmful law and budget changes they said occurred during 2011. Environmentalists didn't get what they were calling for, but they may have somewhat begun to turn the tide that has been running against the programs they support. Any success those groups enjoyed during the 2012 session may be better measured not by what was passed as by what didn't pass. Efforts to restrict local fertilizer ordinances and to encourage oil drilling on state lands failed. Other bills were modified to gain environmental support. However, a bill repealing the statewide requirement for septic tank inspections passed. The **Sierra Club** and **Florida Stormwater Association** opposed the bill's new restrictions on local septic tank inspection programs. Meanwhile, visitors to state trails and state parks could see advertising and herds of African wildlife. The Florida Forever land-buying program and Everglades restoration received some funding, but not as much as environmentalists had hoped.

KEY ISSUES

TRAILS, STATE LANDS: SB 268, which is headed to the governor, allows businesses and groups to sponsor trails and put their advertisements at trailheads. The bill still faces opposition because it allows the **Department of Environmental Protection** to negotiate agreements for trails other than the seven identified in the bill. ... **HB 1117**, which is headed to the governor, would allow giraffes, elephants, rhinos and other zoo animals to roam state parks with approval by the Cabinet. A provision in **SB 1998**, a budget conforming bill related to transportation that is headed to the governor, requires an expedited hearing process for a legal challenge to the proposed dredging in Biscayne Bay to deepen the port of Miami. ... **HB 1103**, which environmentalists opposed as a state-lands giveaway by changing the definition of submerged state lands, stalled after its first committee stop. ... **HB 695**, encouraging oil and gas exploration and drilling on state lands, died on the House calendar.

WATER QUALITY: The 2010 requirement for septic tank inspections statewide will be repealed if **Gov. Rick Scott** signs **HB 1263**. That **Department of Health** reorganization bill contained the language from **HB 599**. The bill also places limits on local septic tank inspection programs, prohibits inspection requirements when a home is sold, and prohibits local ordinances requiring advanced "performance-based" septic tanks until a DOH study is completed. ... The Legislature in **HB 7051** waived approval of water quality rules proposed by the **Florida Department of Environmental Protection**. Those rules, which face a legal challenge filed by environmental groups, would replace federal rules that utilities and industry groups oppose. The bill was signed by Scott on Feb. 16. ... There was a fight again this year between environmentalists and the landscaping industry over local

fertilizer regulations. **SB 604**, exempting certified landscaping professionals from local ordinances, was killed by the **Senate Committee on Environmental Preservation and Conservation** by a 4-3 vote.

WATER POLICY AND PERMITTING: **HB 503** resembled an environmental permit streamlining bill that passed the House last year but wasn't voted on in the Senate. **Rep. Jimmy Patronis**, R-Panama City, was praised by environmentalists for resolving a variety of concerns. The bill also fixes 2010 recycling legislation that would have allowed counties to claim recycling rates in excess of 100 percent. ... Environmentalists also backed **HB 639** dealing with treated wastewater after an objectionable provision was removed. The bill encourages the use of such "reclaimed water" by exempting it from water management district permitting. ... **HB 1389**, which would exempt landowners from wetland regulations for participating in environmental water storage programs, passed during the final day of the session. ... **HB 7003** directs the **Florida Department of Environmental Protection** to undertake writing a statewide **Environmental Resource Permit** rule. ... **HB 7045** allowing permits for up to 37 years for alternative water supply projects passed the House 116-0 but wasn't taken up by the Senate.

BUDGET: SB 1986, a budget conforming bill that lifts the property tax revenue caps imposed in 2011 by the Legislature, passed the House and Senate. The **Florida Conservation Coalition** initially opposed a requirement in the bill for legislative approval but dropped its opposition after the language was modified ... After vetoing **Florida Forever** spending authority last year, **Gov. Rick Scott** requested \$15 million for the program in fiscal year 2012-13. The Legislature provided \$8.3 million. ... Scott also requested \$40 million for **Everglades** restoration. The Legislature provided \$30 million for Everglades restoration plus \$5 million for the northern Everglades (north of Lake Okeechobee) and estuaries programs. ... The budget also includes \$10 million for beach sand restoration projects, \$4.8 million in debt service towards a \$50-million wastewater plant in the Florida Keys, \$5.6 million for St. Johns River restoration projects, \$125 million for petroleum contamination sites and \$4.8 million for Lake Apopka restoration.

AGRICULTURE: **HB 1197**, which gives the **Florida Department of Agriculture and Consumer Services** sole authority to regulate beekeeping, is on its way to the governor. Language from other bills that were languishing was added to **HB 1197**, including an exemption from local government stormwater fees for farms. Citrus harvesting equipment and fruit loaders would be added to the list of farming vehicles that are exempt from paying state motor fuel taxes. The beekeeping provisions of **HB 1197** were prompted by local restrictions on beekeeping cropping up in some suburban areas. **People for the Ethical Treatment of Animals** is calling for a veto because of a Senate amendment the group says would allow chicks and bunnies to be sold at Easter and then discarded. ... **HB 1237**, which returns the executive director of the **Department of Citrus** to being an appointed position without Senate confirmation, also is headed to the governor.

From: Diane Salz <disalz@yahoo.com>
Subject: Fw: Senate fails to confirm Scott appointees
Date: March 14, 2012 9:48:12 AM EDT
To: Jack Sullivan <jesull@comcast.net>
Cc: Nancy Smith <nsmithnhs@aol.com>
Reply-To: Diane Salz <disalz@yahoo.com>

FYI.

----- Forwarded Message -----

From: Diane Salz <disalz@yahoo.com>
To: Diane Salz <disalz@yahoo.com>
Sent: Wednesday, March 14, 2012 9:45 AM
Subject: Senate fails to confirm Scott appointees

Fla. Senate fails to confirm Scott appointees

By GARY FINEOUT

Associated Press

TALLAHASSEE, Fla. (AP) -- Gov. Rick Scott's picks to run universities, colleges, state agencies and other important boards are now in limbo.

The Florida Senate failed to confirm more than 400 appointments Scott has made in the last year during the regular 60-day legislative session that ended last Friday.

Some of those who were not confirmed include the heads of the state's prison agency, as well as the agency that works with the disabled and the agency that oversees Florida's elections.

The Senate also refused to confirm four members of the State Board of Education, the panel that hires the education commissioner and is responsible for setting policy for the state's public schools.

Others who were not confirmed include members of university and college boards, water management district boards, the Florida Citrus Commission and the Fish and Wildlife Conservation Commission.

Under state law, all these people must leave their posts by April 23 unless Scott reappoints them.

If the Senate refuses to confirm the appointees a second time they must leave their post for at least one year before they can be reappointed.

Lane Wright, a spokesman for Scott, said that the governor would start reviewing the appointments between now and the rapidly approaching deadline.

"We will reappoint or make new appointments within the required time period," Wright said.

A spokeswoman for Senate President Mike Haridopolos said that the Senate did not act on many of the executive appointments because it was caught up in other matters, including a controversial bill that makes changes to the state's mandatory auto insurance law.

The session ran all the way up to midnight on Friday.

"The Senate simply ran out of time to confirm executive appointments on the last day of the session," said Lyndsey Cruley. "We had a number of pressing issues to get to that day."

The Senate, however, during the session did confirm eight Scott appointments, including Secretary of Transportation Ananth Prasad.

All eight of the appointees were up for confirmation last year but the Senate did not vote on them at that time. That meant that Prasad was in danger of losing his job permanently if the Senate had not acted this time around.

Lawmakers hand setback to environment

Saturday, March 17, 2012 at 12:58 am (Updated: March 17, 1:00 am)

THE ISSUE: Repeal of septic tank inspection law.

OUR OPINION: A de facto license to pollute.

To protect Florida's springs and groundwater, the state Legislature in 2010 took an important water quality step forward with the passage of SB 550, which required statewide septic tank inspections every five years by 2016.

However, in response to a backlash by lobbyists and rural residents in the Florida Panhandle, the Legislature during its November 2010 special session passed a bill to delay implementation of the septic tank inspection law. Fearing then-Gov. Charlie Crist would veto the measure, the Legislature did not send it to the governor's desk until Gov. Scott assumed the office, upon which he allowed the delay to become law without his signature.

Supporters of the septic tank inspection law were concerned that delayed implementation was nothing more than political subterfuge aimed at ultimately repealing it. Their concern was realized during the waning minutes of the recently concluded legislative session when the House voted to repeal the law as part of the Florida Department of Health reorganization bill, HB 1263.

Supported by powerful special interests such as the Florida Onsite Wastewater Association and Associated Industries of Florida, HB 1263's repeal of statewide septic tank inspections in favor of setting parameters for a local inspection program raises the specter of Florida's springs and groundwater going from bad to worse.

While the bill calls for counties with first-magnitude springs to adopt the parameters for a local inspection program, it allows them to opt out by a 60 percent vote of the county commission. As for those counties without first-magnitude springs, they are free to opt in or opt out.

Additionally, HB 1263 places restrictions on local septic tank inspection programs and prohibits local governments from inspecting septic tanks when a home is being sold. Further, it defines a system failure as only occurring if sewage flows onto the ground, into a surface water or backs up into a house.

As noted by the Environmental Protection Agency, septic tanks are the second greatest contributor to groundwater contamination. Therefore, with more than half of Florida's 2.6 million septic tanks more than 30 years old, and less than 1 percent of those that fail being actively maintained, HB 1263 is a significant step backward for water quality because it is akin to a de facto license to pollute.

This de facto license to pollute our springs and groundwater will be exacerbated by future growth since sewers are neither available nor planned for many undeveloped lots throughout Florida. Also, state and federal grants to assist with the cost of extending sewer lines will be scarce for the foreseeable future.

Given the present and future threat of leeching septic tanks into our springs and groundwater, the successful political maneuvering by those septic tank owners, legislators and special interests favoring repeal of statewide septic tank inspections promises to be a Pyrrhic victory.

From: Diane Salz <disalz@yahoo.com>
Subject: Fw: Doug Barr becomes last of five WMD directors to go
Date: March 22, 2012 10:31:43 PM EDT
To: Jack Sullivan <jesull@comcast.net>
Reply-To: Diane Salz <disalz@yahoo.com>

----- Forwarded Message -----

From: Diane Salz <disalz@yahoo.com>
To: Diane Salz <disalz@yahoo.com>
Sent: Thursday, March 22, 2012 10:31 PM
Subject: Doug Barr becomes last of five WMD directors to go

Douglas Barr becomes last of five water district directors to go in past year

Bruce Ritchie, 03/22/2012 - 04:06 PM

Northwest Florida Water Management District Executive Director Douglas Barr on Thursday told his district board that he is leaving the agency, an agency spokeswoman said.

After 20 years as executive director, for Barr becomes the last head of the five water management districts to quit, retire or be forced out in the past year.

Barr, who was in staff meetings and not available for comment Thursday, did not indicate why he was leaving or whether he was not being reappointed by the governor, said **Lucinda Scott**, the district's public information coordinator. A spokeswoman for the governor's office said she was looking into the question.

Barr was among about 400 appointees who had [not been confirmed](#) by the Senate when the legislative session ended March 9. He told his board he is leaving on April 23, which is when those holding the positions must leave if they are not reappointed.

"Today at the governing board meeting, he told the governing board and advised them on how to set up a selection committee and get started on the hiring process," Lucinda Scott said. She is not related to the governor.

Four other water management district chiefs were among those who were not confirmed when the legislative session ended. One of them, **David Still** of the **Suwannee River Water Management District**, [resigned](#) on Feb. 14 under pressure from his board.

The other executive directors have given various reasons for leaving but it's obvious to some observers that the changes brought by Scott and the Legislature are playing a role.

Sonny Vergara, a former executive director of the **Southwest Florida Water Management District**, said last month that Still's ouster shows that the state is trying to operate the districts out of Tallahassee.

Last year Scott signed **SB 2142** cutting water management district budgets by \$210 million. This year, **SB 1986** would remove the caps while maintaining legislative approval of some spending.

Barr was hired by the Northwest Florida Water Management District in 1977 as assistant to senior hydrologist. He served as deputy executive director from 1989 to 1992 before being appointed executive director.

He play a key role as advisor to Florida governors in the legal fight with Alabama and Georgia over water from the Apalachicola-Chattahoochee-Flint river system. He was the longest-serving director among Florida's five water management districts even before the others began leaving within the past year.

Barr was confirmed in February by the **Senate Committee on Environmental Preservation and Conservation**. But **Sen. Jack Latvala**, R-St. Petersburg, criticized the agency during the confirmation hearing for having a "business as usual" approach that included keeping \$30 million in unallocated reserves.

"I hear that you think business as usual is fine and you have not gotten the message maybe there is a

different world out there now in the water management district business," Latvala said. "And because your board likes you, that makes everything OK to continue."

Barr responded that he doesn't think business as usual is the way to go while assuring the senator that he and his board are not opposed to growth in the region.

"The status quo has never been adequate in my view," Barr said, "if there is a better way to serve business and serve the public and if there is a better way to accomplish our mission while not interfering with the business of people who come to Northwest Florida to conduct their business."

Item #8
Legis. Update

MEMORANDUM

March 29, 2012

To: Jack Sullivan, Executive Director

From: Diane Salz, Legislative & Governmental Affairs Consultant

Re: Impact of HB 1263 on WRWSA Member Governments with First Magnitude Springs

Please let me know if there are any questions regarding the attached summary of requirements for septic tank evaluation under HB 1263, with emphasis on Withlacoochee Regional Water Supply Authority member governments with first magnitude springs. HB 1263 represents a compromise to the 2010 mandatory statewide septic tank inspection law since its septic tank evaluation requirements apply specifically to counties and municipalities with first magnitude springs, with procedures for a county or a municipality to opt-in or opt-out. At this time, HB 1263 which primarily addresses the reorganization of the Florida Department of Health, has not yet been sent to the Governor for his approval.

Attachment

IMPACT OF HB 1263 ON WRWSA MEMBER GOVERNMENTS WITH FIRST MAGNITUDE SPRINGS

PROVISIONS OF REPEALED SEPTIC TANK EVALUATION PROGRAM

In 2010, SB 550 (ch. 2010-205, Laws of Florida) provided for additional legislative intent on the importance of properly managing septic tanks and creates a septic system evaluation program. Department of Health (DOH) was to implement the evaluation program beginning January 1, 2011, with full implementation by January 1, 2016. The evaluation program:

- Required all septic tanks to be evaluated for functionality at least once every five years;
- Directed DOH to provide proper notice to septic owners that their evaluations are due;
- Ensured proper separations from the wettest-season water table; and
- Specified the professional qualifications necessary to carry out an evaluation.

The law also established a grant program for owners of septic systems earning less than or equal to 133 percent of the federal poverty level. The grant program was to provide funding for inspections, pump-outs, repairs, or replacements. DOH was authorized under the law to adopt rules to establish the application and award process for grants. Additionally, ch. 2010-205, L.O.F., established a minimum and maximum evaluation fee that DOH can collect. No more than \$5 of each evaluation fee may be used to fund the grant program. The State's Surgeon General, in consultation with the Revenue Estimating Conference, were charged with determining a revenue neutral evaluation fee.

Several bills were introduced during the 2011 Regular Session aimed at either eliminating the inspection program or scaling it back. Although none passed, language was inserted into a budget implementing bill that prohibited DOH from expending funds to implement the inspection program until it submitted a plan to the Legislative Budget Commission. If approved, DOH could then be able to expend funds to begin implementation. To date, DOH has not submitted a plan to the LBC for approval.

CHANGES UNDER HB 1263 PASSED BY THE 2012 LEGISLATURE

HB 1263 repeals the state wide septic system evaluation program, including program requirements, and DOH's rulemaking authority to implement the program. It repeals legislative intent regarding DOH's administration of a state wide septic system evaluation program and an obsolete reporting requirement regarding the land application of septage. The bill requires:

- **A county or municipality containing a first magnitude spring within its boundary must develop and adopt by ordinance a local septic system evaluation and assessment program meeting the requirements of this bill within all or part of its geographic area by January 1, 2013, unless it opts-out.**
- **Within the Withlacoochee region, Citrus, Hernando and Marion counties contain over seven first magnitude springs groups, including:**
 - **Citrus County: Chassahowitzka Springs Group; Homasassa Springs Group; King's Bay Springs Group;**
 - **Hernando County: Weeki Wachee Spring; and**
 - **Marion County: Rainbow Springs Group; Silver Glen Springs; Silver Springs Group.**

- All other counties and municipalities may opt-in but otherwise are not required to take any affirmative action.
- Evaluation programs adopted before July 1, 2011, and that do not contain a mandatory septic system inspection at the point of sale in a real estate transaction are not affected.
- Existing evaluation programs that require point of sale inspections are preempted regardless of when the program was adopted.
- A county or municipality may opt-out by a majority plus one vote of the local elected body before January 1, 2013, by adopting a separate resolution.
- The resolution must be filed with the Secretary of State.
- Absent an interlocal agreement or county charter provision to the contrary, a municipality may elect to opt out of the requirements of this section notwithstanding the decision of the county in which it is located.
- A county or municipality may subsequently adopt an ordinance imposing a septic system evaluation and assessment program if the program meets the requirements of this bill.
- A counties' and municipalities' authority to adopt more stringent requirements for a septic system evaluation program is preempted beyond those provisions contained in the bill.

LOCAL ORDINANCES MUST PROVIDE FOR THE FOLLOWING:

- An evaluation of a septic system, including drainfield, every five years to assess the fundamental operational condition of the system and to identify system failures.
- The ordinance may not mandate an evaluation or a soil examination at the point of sale in a real estate transaction.
- **The local ordinance may not require more than the least costly remedial measure to resolve the system failure.** The homeowner may choose the remedial measure to fix the system. There may be instances in which a pump out is sufficient to resolve a system failure. Remedial measures to resolve a system failure must meet, to the extent possible, the requirements in effect at the time the repair is made, subject to the exceptions specified in s. 381.0065(4)(g), F.S. This allows certain older septic systems to be repaired instead of replaced if they cannot be repaired to operate to current code. An ordinance may not require an engineer-designed performance-based system as an alternative septic system to remediate a failure of a conventional septic system.
- **Each evaluation must be performed by:**
 - A septic tank contractor or master septic tank contractor registered under part III of ch. 489, F.S.;
 - A professional engineer having wastewater treatment system experience and licensed pursuant to ch. 471, F.S.;
 - An environmental health professional certified under ch. 381, F.S., in the area of septic system evaluation; or
 - An authorized employee working under the supervision of any of the above four listed individuals. Soil samples may only be conducted by certified individuals.
- Evaluation forms must be written or electronically signed by a qualified contractor.

- The local ordinance may not require a repair, modification or replacement of a septic system as a result of an evaluation unless the evaluation identifies a failure. The term "system failure" is defined as:
 - A condition existing within a septic system that results in the discharge of untreated or partially treated wastewater onto the ground surface or into surface water; or
 - Results in a sanitary nuisance caused by the failure of building plumbing to discharge properly.
 - A system is not a failure if an obstruction in a sanitary line or an effluent screen or filter prevents effluent from flowing into a drainfield.
 - Specifies that a drainfield not achieving the minimum separation distance from the bottom of the drainfield to the wettest season water table contained in current law is not a system failure.
- **The county health department will be responsible for administering the program on behalf of a county or municipality.** A county or municipality may develop a reasonable fee schedule in consultation with a county health department. The fee must only be used to pay for the costs of administering the program and must be revenue neutral. The fee schedule must be included in the adopted ordinance for a septic system evaluation program. The fee shall be assessed to the septic system owner, collected by the qualified contractor and remitted to the county health department.
- **The county health department in a jurisdiction where a septic system evaluation program is adopted must:**
 - Provide a notice to a septic system owner at least 60 days before the septic system is due for an evaluation;
 - In consultation with DOH, provide for uniform disciplinary procedures and penalties for qualified contractors who do not comply with the requirements of the adopted ordinance;
 - Be the sole entity to assess penalties against a septic tank owner who fails to comply with the requirements of an adopted ordinance;
 - DOH is required to provide access to the Environmental Health Database to county health departments and qualified contractors for use in the assimilation of data to track relevant information resulting from an assessment and evaluation. The Environmental Health Database will be used by contractors to report all service and evaluation events and by the county health department to notify owners of onsite sewage treatment and disposal systems when evaluations are due. Data and information will be recorded and updated as service and evaluations are conducted and reported.
- **Specifies that the bill does not derogate or limit county and municipal home rule authority to act outside the scope of the evaluation program created in this bill.**
- **Clarifies it does not repeal or affect any other law relating to the subject matter of this section.**
- **The bill does not prohibit a county or municipality that has adopted an evaluation program pursuant to this section from:**
 - Enforcing existing ordinances or adopting new ordinances if such ordinances do not repeal, suspend or alter the requirements or limitations of this section; or
 - Exercising its independent and existing authority to use and meet the requirements of s. 381.00655, F.S. (relating to connection to central sewer systems).

ADDITIONALLY,

- The bill also specifies that a septic system that is required to obtain an operating permit or that is inspected by the department on an annual basis pursuant to ch. 513, F.S., related to mobile home and recreational vehicle parks is exempt from inclusion in a local septic system evaluation program.
- The bill also exempts a septic system serving a residential dwelling unit on a lot with a ratio of one bedroom per acre or greater.
- The bill requires the owner of a septic system subject to an evaluation program to have it pumped out and evaluated at least once every five years. A pump out is not required if the owner can provide documentation to show a pump out has been performed or there has been a permitted new installation, repair or modification of the septic system within the previous five years. The documentation must show both the capacity and that the condition of the tank is structurally sound and watertight.
- If a tank, in the opinion of the qualified contractor, is in danger of being damaged by leaving the tank empty after inspection, the tank must be refilled before concluding the inspection. Replacing broken or damaged lids or manholes does not require a repair permit. In addition to a pump out, the evaluation procedures require an assessment of the apparent structural condition and water tightness of the tank and an estimation of its size. A visual inspection of a tank is required when the tank is empty to detect cracks, leaks or other defects. The baffles or tees must be checked to ensure that they are intact and secure. The evaluation must note the presence and condition of:
 - Outlet devices;
 - Effluent filters;
 - Compartment walls;
 - Any structural defect in the tank; and
 - The condition and fit of the tank lid, including manholes.
- The bill repeals s. 381.00656, F.S., related to a low-income grant program to assist residents with costs associated from a septic system evaluation program and any necessary repairs or replacements.
- The bill defines "bedroom" as a room that can be used for sleeping that, for site-built dwellings, has a minimum 70 square feet of conditioned space; or for manufactured homes, constructed to HUD standards having a minimum of 50 square feet of floor area. The room must be located along an exterior wall, have a closet and a door or an entrance where a door could be reasonably installed. It also must have an emergency means of escape and rescue opening to the outside. A room may not be considered a bedroom if it is used to access another room, unless the room that is accessed is a bathroom or closet. The term does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.
- The bill provides that a permit issued and approved by DOH for the installation, modification, or repair of a septic system transfers with the title to the property in a real estate transaction. A title is not encumbered at the time of transfer by new permit requirements that differ from the

original permit requirements in effect when the septic system was permitted, modified or repaired.

- The bill also prohibits a government entity from requiring a septic system inspection at the point of sale in a real estate transaction.
- The bill prohibits any governmental entity, including municipality, county, or statutorily created commission from requiring an engineered-designed performance-based treatment system, except for passive engineer-designed performance-based treatment systems, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project or December 31, 2014, whichever comes first. The prohibition does not apply to the above entities that adopted a local law, ordinance, or regulation on or before January 31, 2012. Notwithstanding the prohibition, an engineer-designed performance-based treatment system may be used to meet the requirements of the Variance Review and Advisory Committee recommendations.
- The bill specifies a septic system serving a foreclosed property is not considered abandoned. It also specifies a septic system is not considered abandoned if it was properly functioning when disconnected from a structure made unusable or destroyed following a disaster, and the septic system was not adversely affected by the disaster. The septic system may be reconnected to a rebuilt structure if: reconnection of the septic system is to the same type of structure, which contains the same number of bedrooms or less, provided the square footage is less than or equal to 110 percent of the original square footage, that existed prior to the disaster; the septic system is not a sanitary nuisance; and the septic system has not been altered without prior authorization.
- The bill provides that the rules applicable and in effect at the time of approval for construction apply at the time of the final approval of the septic system if fundamental site conditions have not changed between the time of construction approval and final approval.
- The bill also provides that a modification, replacement, or upgrade of a septic system is not required for a remodeling addition to a single-family home if a bedroom is not added.
- The bill also requires a drainfield evaluation and requires certain assessments to be performed when a system contains pumps, siphons or alarms. The drainfield evaluation must include a determination of the approximate size and location of the drainfield. The evaluation must contain a statement noting whether there is any visible effluent on the ground or discharging to a ditch or water body and identifying the location of any downspout or other source of water near the drainfield.
- If the septic system contains pumps, siphons or alarms, the following information must be provided:
 - An assessment of dosing tank integrity, including the approximate volume and the type of material used in construction;
 - Whether the pump is elevated off of the bottom of the chamber and its operational status;
 - Whether the septic system has a check valve and purge hole; and
 - Whether there is a high-water alarm, including whether the type of alarm is audio, visual or both, the location of the alarm, its operational condition and whether the electrical connections appears satisfactory.
- Reporting procedures provided for in the bill require:
 - The qualified contractor to document all the evaluation procedures used;
 - The qualified contractor to provide a copy of a written, signed evaluation report to the property owner and the county health department within 30 days after the evaluation;
 - The name and license number of the company providing the report;

- The local county health department to retain a copy of the evaluation report for a minimum of five years and until a subsequent report is filed;
 - The front cover of the report to identify any system failure and include a clear and conspicuous notice to the owner that the owner has a right to have any remediation performed by a contractor other than the contractor performing the evaluation;
 - The report is to identify tank defects, improper fit or other defects in the tank, manhole or lid, and any other missing component of the septic system;
 - Noting if any sewage or effluent is present on the ground or discharging to a ditch or surface water body;
 - Stating if any downspout, storm water or other source of water is directed onto or towards the septic system;
 - Identification of any maintenance need or condition that has the potential to interfere with or restrict any future repair or modification to the existing septic system; and
 - Conclude with an overall assessment of the fundamental operational condition of the septic system.
- The bill requires a county or municipality that adopts a septic system evaluation and assessment program to notify the Secretary of the DEP, DOH and the requisite county health department. Once the DEP receives notice a county or municipality has adopted an evaluation program, it must, within existing resources, notify the county or municipality of the potential availability of Clean Water Act or Clean Water State Revolving Fund grants. If a county or municipality requests, the DEP must, within existing resources, provide guidance in the application process to access the above mentioned funding sources and provide advice and technical assistance on how to establish a low-interest revolving loan program or how to model a revolving loan program after the low-interest loan program of the Clean Water State Revolving Fund.
 - The DEP is not required to provide any money to fund such programs.
 - The bill specifically prohibits DOH from adopting any rule that alters the provisions contained within the bill.
 - The bill corrects two cross references. One is related to research fees collected to fund hands-on training centers for septic systems. The other relates to determining the mean annual flood line.