



# WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY

## **News Articles**

January 18, 2012  
Board Meeting

From: Diane Salz <disalz@yahoo.com>  
Subject: **Fw: Gov. Scott's Latest Target: Special Districts...**  
Date: December 30, 2011 10:23:54 AM EST  
To: Jack Sullivan <jesull@comcast.net>  
Reply-To: Diane Salz <disalz@yahoo.com>

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From: Diane Salz <disalz@yahoo.com>  
To: Diane Salz <disalz@yahoo.com>  
Sent: Friday, December 30, 2011 10:23 AM  
Subject: Gov. Scott's Latest Target: Special Districts...

## Gov. Scott's latest target: Florida's taxing districts

By [John Kennedy](#)

Palm Beach Post Staff Writer

Updated: 9:59 p.m. Thursday, Dec. 29, 2011

Posted: 9:58 p.m. Thursday, Dec. 29, 2011

One of Gov. Rick Scott's first moves in the new year will be to call for a sweeping review of some of the state's oldest governments - Florida's more than 1,600 special districts.

Palm Beach County, with 94 special districts, has among the most in the state. That means county taxpayers are shelling out more every year for services on top of their school and property taxes.

Aides say Scott plans to sign an executive order in January, launching a weeks-long examination of whether these districts are still meeting the missions they were enacted to perform. He also wants a better handle on how districts are spending the \$15.5 billion in taxpayer money they command.

The first-year Republican governor said last fall that he was "shocked" when he learned that Florida's wide variety of special districts controlled such money through the taxes and fees they collect. "On behalf of the citizens of the state, we have to look at what return we're getting for those dollars," he said at the time.

Special districts trace their roots to pioneer days in Florida, and provide environmental, health care, fire control, port, community development, and urban renewal services.

But forging a common path for these agencies to follow won't be easy, said Terry Lewis, a West Palm Beach lawyer who represents the Florida Association of Special Districts and a dozen special districts. More than 30 state laws govern special districts. What works at the Port of Palm Beach might not apply to the Lake Worth Drainage District, Lewis said.

"We've strengthened the consumer protection aspects of state law governing special districts over the years," Lewis said. "Every special district, like every city or county, has to have annual audits. There already is a lot of oversight."

Water district a harbinger

Scott's first foray into special districts came when he signed into law legislation that reduced property-tax revenue by \$210 million at Florida's water management districts. The South Florida Water Management District, the state's largest, took the biggest financial hit, which also cost almost 400 employees their jobs.

Special district proposals (SB 192, HB 107) have been introduced for the legislative session that begins Jan. 10.

Sponsored by Rep. Matt Caldwell, R-Lehigh Acres, and Sen. Mike Bennett, R-Bradenton, the measures are relatively modest - making it easier for neighboring districts to consider merging to save money or improve efficiency.

Florida's 30 or so hospital taxing districts, scattered around the state since the 1920s, are the subject of a review by a 10-member commission appointed by Scott. Its recommendations, released Thursday, include giving voters a chance to decide whether to pull the plug on an existing district.

It's possible that Scott's special district review could yield calls for eliminating some districts. More public disclosure requirements and limits on borrowing and spending also could emerge, say those involved.

Still, the governor's top lobbyist, Jon Costello, told a House committee, "The governor is not looking to take an ax to special districts."

Hard times for districts

Scott, who had been a tea party favorite his first year in office, also has backed away from his earlier criticism that "not a single voter" gets to shape special district policy.

Some districts are led by appointees of the governor, or of other boards. Others are run by county or municipal commissions, and many have supervisory panels elected by property owners within the district's boundaries.

But special districts periodically come under fire, often because of scandal or the free-spending habits of administrators. Community development districts are among those needing the strictest oversight, critics say.

Close to 600 CDDs have been established in Florida. Fees assessed on homeowners' lots allow the districts to issue tax-exempt bonds - so-called dirt bonds - to finance roads, utility lines, sidewalks and other needs to prepare land for building. But the state's housing crash has hit some of these development districts hard.

The state's auditor general this year urged that lawmakers make it tougher for CDDs to borrow, after finding that almost one-third were behind in bond payments and many others were using reserves to make payments on their debt.

More transparency urged

Richard Lehmann, a Miami Lakes investment adviser who publishes the Florida Community Development District Report ([floridacddreport.com](http://floridacddreport.com)), said that more than 400 of these CDDs were started between 2003 and 2008, as Florida's housing market boomed.

"There's definitely a need for some legislative reform," Lehmann said. "There needs to be more transparency - we get calls from homeowners all the time who say they didn't know they were going to be assessed fees, or that they're even in a CDD."

Pete Pimental, whose Palm Beach Gardens company, Special District Services Inc., manages and administers 72 special districts across the state, said the trouble with CDDs is "probably what's caught the eye of the governor."

Pimental said state law requires those buying lots in a development district to receive plenty of notice about their responsibilities. But he expected there could be a new push to limit the bonding authority of districts.

"But I think the market is taking care of that already," Pimental said. "You're seeing investors take a much harder look at these deals."



From: Diane Salz <disalz@yahoo.com>  
Subject: **Fw: SJRWMD will consider new ethics policy...**  
Date: December 14, 2011 10:26:01 AM EST  
To: Jack Sullivan <jesull@comcast.net>  
Reply-To: Diane Salz <disalz@yahoo.com>

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From: Diane Salz <disalz@yahoo.com>  
To: Diane Salz <disalz@yahoo.com>  
Sent: Wednesday, December 14, 2011 10:24 AM  
Subject: SJRWMD will consider new ethics policy...

## **St. Johns River Water Management District will consider new ethics recommendations today**

December 12, 2011|Kevin Spear, Orlando Sentinel

Central Florida's largest water agency plans to tweak its ethics rules to better shield employees from intimidation that could arise when board members or their consulting companies seek the agency's permission to consume large amounts of water or destroy wetlands.

Concerns about such scenarios arose earlier this year at the St. Johns River Water Management District when several board members whose firms represent developers' and utilities' permit applications were seen as actively involved in staff layoffs undertaken as part of an unprecedented budget cut and downsizing ordered by Gov. Rick Scott.

About 20 percent of the agency's jobs were eliminated, reducing the staff of the 18-county district in Central and North Florida to 591 positions.

The Orlando Sentinel reported in early October that, according to several staff members speaking privately, there was widespread fear among the agency's remaining employees about the possibility of being targeted for dismissal should they do something perceived as a hindrance to a permit application, overly protective of the environment, or not conciliatory enough toward a business or water utility.

Several days later, the district's executive director said he planned to better insulate the agency's remaining employees from possible interference by board members.

"The executive director stands between the board and the staff," Hans G. Tanzler III said then, having just been promoted by board members from top lawyer at the district to its executive director.

Tanzler's proposed changes to the district's ethics policy, to be considered by the board today, are less rules than they are recommendations for how board members whose companies do business with the agency can avoid conflicts of interest.

"The member may address the apparent conflict by limiting direct interaction with district staff," states a portion of the proposed additions to the district's ethics policy.

State law requires that district board members have "significant experience" in a variety of occupations, including agriculture, real-estate development, water utilities, law, engineering, environmental science or hydrology — all of which can lead board members to doing business with the district, which focuses on environmental protection and restoration, water research and management and flood control.

Under district rules, board members are prohibited from doing business directly with the district. But they are not prohibited from doing business indirectly with the district by working on behalf of developers or utilities seeking water or wetlands permits.

Existing ethics rules also prohibit board members from voting on matters tied to their businesses or personal interests.

"What we are doing here is stretching to help give the appropriate impression that we are an ethical board and we care about even the appearance of a conflict of interest," Tanzler said of his proposed additions. "If this ends up in policy, then presumably it would be embraced by the board."

Several board members in recent years have declared conflicts of interest and excused themselves from voting on certain projects that could have benefited them or their businesses.

The board member now most visibly affected by the agency's ethics rules is Charles "Chuck" Drake, one of several vice presidents in the Orlando office of Tetra Tech Inc., a consultant for water utilities, including those serving Clermont, Daytona Beach and Orange County.

Drake, who recently declared a conflict of interest in a board vote on a Clermont water permit, said he supports Tanzler's proposed changes to the ethics rules.

"It re-emphasizes that we maintain the highest ethical standards," Drake said.

Appointed in April by Scott, Drake in March had signed a Tetra Tech contract for \$376,511 to assist Daytona Beach with one of the most controversial water-use permits in district history.

The Orlando office of Tetra Tech has been paid \$1.2 million by Daytona Beach since 2001 for water- and environmental-consulting services.

Orange County Utilities, which has paid Tetra Tech \$14.5 million since 2006 for engineering work, could get an answer from the district as early as January on its application for a permit to take water from a reservoir on the sprawling Deseret Ranches — highly coveted surface water that ranch officials also want for irrigating crops.

Drake said he has never personally worked on Orange County projects and now avoids all workplace discussion about the Daytona Beach permit. He said he will declare conflicts of interest and not vote on the Orange and Daytona permits and will not talk to district staff about those permits.

"If I hear somebody in the office talking about Daytona Beach, I leave or I tell them to leave," Drake said.

Drake took a close interest in the layoffs earlier this year, having an undisclosed discussion with then-Executive Director Kirby Green about a scientist investigating wetlands damage suspected of having been caused by Daytona Beach's pumping of the underground aquifer. A short while later, Green asked the scientist to resign because, Green said, the staffer's skills no longer were needed by the revamped agency.

"I'm interested in most everything that the district does," Drake said. "I want to know what's going on financially, in operations of flood-control projects, restoration, and including whether layoffs were meeting budget requirements."

From: Diane Salz <disalz@yahoo.com>  
Subject: Fw: reclaimed water bill  
Date: December 8, 2011 8:18:59 PM EST  
To: Jack Sullivan <jesull@comcast.net>  
Reply-To: Diane Salz <disalz@yahoo.com>

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From: Diane Salz <disalz@yahoo.com>  
To: Diane Salz <disalz@yahoo.com>  
Sent: Thursday, December 8, 2011 8:17 PM  
Subject: reclaimed water bill

## Water policy committee passes reclaimed water bill, despite reservations

By Virginia Chamlee | 12.08.11 | 1:42 pm

State Rep. Dana Young, R-Tampa (Pic by Meredith Geddings, [via myfloridahouse.gov](http://www.myfloridahouse.gov))

Despite reservations from some members, the Florida House Select Committee on Water Policy yesterday passed state Rep. Dana Young's bill to redefine reclaimed waters and prohibit water management districts from requiring a permit for their use.

Young, R-Tampa, defended her bill during the committee's meeting yesterday, arguing that it would "incentivize and optimize" the use of reclaimed water.

As I reported in October, the bill would treat reclaimed water as an "alternative water supply," rather than as "waters of the state." Though the bill has the support of the majority of the committee, as well as utility companies, some environmentalists and lawmakers see it as potentially problematic.

Under the bill, utility companies would still have to obtain a Consumptive Use Permit from a local water management district but, once they draw the water and use it, it would be theirs and no longer subject to additional permitting.

Environmentalists have argued this would make water a commodity, rather than a resource — a sentiment echoed yesterday by state Rep. Leonard Bembry, D-Greenville. "Does it then become a commodity?" he asked Young. "Can it be traded, sold or bartered for gain by a utility?"

"There's not some Wild Wild West scenario where you are selling water to the highest bidder," Young said. She later clarified her statement, saying that reclaimed water could, in fact, be sold by utility companies to other water users, like golf courses, but that she thought of it as a way for them to recoup their investment, rather than use the water as a moneymaker.

"While it's not a commodity, it does seem that there is a mechanism by which the groups processing [the reclaimed water] and then putting it toward another use can save some expense on that," Bembry said.

"Reclaimed water can be sold by the utilities because utilities and local governments make sizable investments of taxpayer dollars," Young said. "As a taxpayer, I want them to recoup some of that investment. ... There is nothing in the bill that prevents the utilities from selling the water — that's kind of the point. ... We want to encourage them to sell this water to golf courses, and to residential developments and to large industrial uses."

"They could flush it out to tide ... but this bill incentivizes it ... to make it useful for as many people as possible," Young said.

State Rep. Charles Van Zant, R-Keystone Heights, also had reservations about the bill.

"Once we say, 'This water is yours,' that's the problem I'm having with this bill," he said. "I don't care if they make a profit. What I care about is giving them carte blanche opportunity to disperse it out of the aquifer. ... Water is fast becoming gold in this state and we need to protect that and make sure it's going back into the aquifer."

Water is currently at an all-time low in the Suwannee River, a waterbody in Van Zant's district, and the lawmaker said he fears that Young's bill could accentuate that. "I don't call it a 'reuse,' I call it a 'ruse,'" he said.

The Sierra Club, Clean Water Action and Audubon of Florida had representatives on hand to express their groups' opposition to the bill, as written. The groups, however, said they would work with lawmakers to make it more appealing. Despite reservations from lawmakers, the bill passed the committee 14-1. Van Zant alone voted against it.

**FOR IMMEDIATE RELEASE**  
December 8, 2011

Contact: Sterling Ivey  
(850) 617-7737

## **Commissioner Putnam Applauds ERC Approval of Florida's Water Quality Standards**

*Rule Adoption Reiterates that Florida is Best-Positioned to Protect Florida's Waters*

**Tallahassee, FL** - The Environmental Regulation Commission (ERC) unanimously adopted today Florida's proposed rule for numeric nutrient surface water quality standards for Florida's lakes, streams, springs and many estuaries.

"The unanimous action by the ERC reiterates that Florida knows best how to protect Florida's water resources," said Agriculture Commissioner Adam Putnam. "The ruling sends a strong message to the U.S. Environmental Protection Agency (EPA) that, based on its strong history in protecting water resources, Florida is prepared to continue developing and implementing water resource protection programs."

Once ratified by the Florida Legislature, the rules will be submitted to EPA for approval. These rules are intended to replace EPA's numeric nutrient criteria promulgated in December 2010.

"I urge EPA – upon receipt of Florida's nutrient standards – to act swiftly in approving them in their entirety, restoring Florida's rightful place in protecting its water resources."

EPA's numeric nutrient criteria have been criticized for being inconsistent with its own guidance documents and the advice of its Science Advisory Board.

"The Florida standards reflect the best science of setting effective water quality standards and contain detailed expectations that will assure Florida's valuable water resources are protected and those that are impaired are restored."

EPA has previously acknowledged that Florida has developed and implemented some of the most progressive nutrient management strategies in the nation. Florida has placed substantial emphasis on the monitoring and assessment of its waters and, as a result of this commitment, has collected significantly more water quality data than any other state.

For more information about the Florida Department of Agriculture and Consumer Services, visit [www.FreshFromFlorida.com](http://www.FreshFromFlorida.com) or follow Commissioner Putnam on Facebook, [www.facebook.com/adamputnam](http://www.facebook.com/adamputnam), and Twitter, [@adamputnam](https://twitter.com/adamputnam).

From: Diane Salz <disalz@yahoo.com>  
Subject: lawsuit filed to head off proposed state water quality rules...  
Date: December 2, 2011 9:36:11 AM EST  
To: Jack Sullivan <jesull@comcast.net>  
Reply-To: Diane Salz <disalz@yahoo.com>

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From: Diane Salz <disalz@yahoo.com>  
To: Diane Salz <disalz@yahoo.com>  
Sent: Friday, December 2, 2011 9:29 AM  
Subject: lawsuit filed to head off proposed state water quality rules...

Lawsuit filed to head off proposed state water quality rules  
Bruce Ritchie, 12/01/2011 - 04:35 PM

David Guest, an attorney for Earthjustice, speaks at the Florida Press Center. Photo Credit: Ana Goni-Lessan  
The **Earthjustice** law firm on Thursday filed a legal challenge against state water quality rules that would replace controversial federal rules that are scheduled to be implemented in March.

The **Florida Department of Environmental Protection** rules would establish specific limits on nitrogen and phosphorus in lakes, rivers and streams unless studies show there won't be harm to aquatic life. Nitrogen and phosphorus can feed the growth of algae in lakes and streams and of toxic red tide along the coast, according to the **U.S. Environmental Protection Agency**.

**David Guest**, Earthjustice's managing attorney in Tallahassee, said the petition filed Thursday on behalf of environmental groups should delay the rule adoption next week. But a DEP spokeswoman said Thursday the department still plans to present the rules as scheduled on Dec. 8 to the Environmental Regulation Commission.

The state rules would replace the federal EPA rules that wastewater utilities, agriculture and industry groups say will be too expensive and difficult to comply with. The EPA agreed in 2009 to establish those rules to settle a lawsuit filed by Earthjustice on behalf of environmental groups.

Guest said Thursday the proposed state rules would make water quality in the state worse by burying enforcement of the federal **Clean Water Act** with studies.

"The system we have now favors polluters over people," Guest said. "That's not fair, and that's the reason we filed this case this morning."

DEP officials have said their proposed rules would be cheaper and provide flexibility while meeting the restoration goals of the federal rules.

"The Florida Department of Environmental Protection remains confident that adopting our nutrient rules is the right thing for Florida," Department spokeswoman **Dee Ann Miller** said in statement on Thursday.

The Legislature, which holds its regular session beginning Jan. 10, must approve the state rules. The federal EPA, which would implement its own rules in March, has given its tentative approval of the proposed state rules.

Guest said a state administrative law judge could decide the petition before the federal rules would take effect in March.

And he said the legal challenge shouldn't prevent the Legislature from adopting those rules.

"Truthfully the Legislature can and will do anything" it wants, he said.

The challenge was filed on behalf of the **Florida Wildlife Federation**, the **Sierra Club**, the **Conservancy of Southwest Florida**, the **Environmental Confederation of Southwest Florida** and the **St. Johns Riverkeeper**. Those are the same groups that filed the federal lawsuit that led to the EPA in 2009 agreeing to issue the federal water quality rules.

Also Thursday, the Sierra Club unveiled what it called the "slime crime tracker," a website that describes examples of algae blooms and water quality problems across Florida.



# Environmentalists file legal challenge to proposed state water pollution standards

By Virginia Chamlee | 12.01.11 | 12:25 pm

An algal bloom in the Caloosahatchee River in 2005 (Pic by Florida Water Coalition)

A group of environmentalists — including the Sierra Club and the St. Johns Riverkeeper — announced today that they have filed a legal challenge to a set of water pollution standards drafted by the Florida Department of Environmental Protection.

The “numeric nutrient criteria” came about as a result of a 2008 lawsuit brought by environmental groups represented by environmental law firm Earthjustice; they contended that Florida was in violation of the Clean Water Act.

Though the federal EPA was set to draft its own set of standards to be implemented in Florida, the agency recently agreed to allow the state to develop its own rules, which the EPA must still approve. In a recent handout, members of the Florida Water Coalition contended that the standards drafted by the Florida Department of Environmental Protection are so poor that they “would actually be less protective than no numeric nutrient standards.”

Today, environmental groups filed a petition that would invalidate those rules.

“The DEP’s decision to weaken pollution standards is an economic slap in the face to the thousands of Floridians who work in the tourism industry,” said St. Johns Riverkeeper Neil Armingeon, who has watched Florida businesses suffer as the St. Johns is inundated with algal blooms and fish kills, brought on by excess nutrients. “This pollution hurts people who work in restaurants, hotels, beach concessions, the fishing industry, the boating industry, the dive industry, and the real estate sales and rental markets.”

In 2009, the EPA set numeric limits for the phosphorus and nitrogen that comes from sewage, fertilizer and manure in Florida waters. The groups filing the petition say those limits were akin to a speed limit sign, in that they gave everyone fair notice of what specific level of pollution would be allowed in a particular water body. If that limit was exceeded, regulators could take action to prevent toxic algae outbreaks. But the state’s rule, they argue, doesn’t provide that certainty, and it won’t protect public health.

“The DEP rule basically says: ‘Well, there *could* be a speed limit sign here, but we need to do a study first and then we’ll decide.’ Under the state DEP rule, by the time the state takes action, a waterway is already slimed. The whole point is to clean it up before it gets that bad,” said Manley Fuller, president of the Florida Wildlife Federation, in a press release.

During a Thursday afternoon press release, the Sierra Club unveiled an interactive map of all the state waterways currently plagued by algae and slime. As previously reported by The Florida Independent, algal blooms often hurt the bottom line of Florida communities that rely on the health of their waters for recreation, fishing and business.

The administrative challenge was filed by Earthjustice in the Florida Division of Administrative Hearings, on behalf of the Florida Wildlife Federation, the Sierra Club, the Environmental Confederation of Southwest Florida, the St. Johns Riverkeeper and the Conservancy of Southwest Florida.

“We have a massive fish kill in Estero Bay right now, and it is happening because the state has delayed acting to solve this major pollution problem for the past 15 years. The DEP’s weak rule is just going to delay cleanup further. The DEP is just kicking the can down the road another 15 years, and that’s not fair to the citizens. We all deserve clean water,” said Jennifer Hecker, policy director for the Conservancy of Southwest Florida.

[View the full legal challenge:](#)

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## News / Florida

Thursday, Dec. 1, 2011

# Clean-water groups challenging Florida over rules to control algae

By Steve Patterson

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Five environmental groups are challenging clean-water standards Florida has drafted to control potentially toxic algae in waterways including the St. Johns River.

The St. Johns Riverkeeper was among the groups filing a complaint through the state's Division of Administrative Hearings.

The Department of Environmental Protection has drafted rules limiting nitrogen and phosphorus as an alternative to standards that the U.S. Environmental Protection Agency had planned to impose.

But the groups filing the new challenge say the state's plan will be ineffective.

"The state DEP rule was basically written by lobbyists for corporate polluters," said David Guest, an attorney for the environmental groups. "Polluters know it is cheaper for them to use our public waters as their private sewers, and the state is giving them the green light to keep doing it."

Read the challenge filed by the groups here: <http://www.scribd.com/doc/74400401>

Florida has discussed setting state standards since 1998, but a lack of progress prompted activists to sue EPA in 2008 to force action.

EPA wrote rules as part of a settlement of that case, but faced intense resistance from Florida business groups and lawsuits by the state and several industries.

EPA told Florida this year that it might accept the state's standards based on a preliminary review, but had more details to look into.



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EPA said Florida this year that it might accept the state's standards based on a preliminary review, but now more details to look into.



Besides Riverkeeper, the state's plan is being challenged by the Florida Wildlife Federation; the Sierra Club; the Conservancy of Southwest Florida; and the Environmental Confederation of Southwest Florida.

**Check back with Jacksonville.com and read Friday's Times-Union for more.**

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Latest by lyis91 [36 min 58 sec ago](#)

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From: Diane Salz <disalz@yahoo.com>  
Subject: Fw: water districts chastised...  
Date: December 1, 2011 8:44:29 AM EST  
To: Jack Sullivan <jesull@comcast.net>  
Reply-To: Diane Salz <disalz@yahoo.com>

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From: Diane Salz <disalz@yahoo.com>  
To: Diane Salz <disalz@yahoo.com>  
Sent: Thursday, December 1, 2011 8:03 AM  
Subject: water districts chastised...

## Water districts chastised for not protecting groundwater

*By Christopher Curry*

*Staff writer*

*Published: Tuesday, November 29, 2011 at 9:39 p.m.*

LAKE CITY — Frustration and anger flowed Tuesday night as a crowd of some 200 packed a meeting in Lake City to air concerns over the impact that groundwater pumping in the Jacksonville metropolitan area has had on rural North Florida counties.

Columbia County officials and audience members lambasted the St. Johns River Water Management District board for its May approval of a consumptive use permit for Jacksonville's utility. They criticized Suwannee River Water Management District officials for not doing more at that time to oppose the permit issued to the Jacksonville Electric Authority.

There was skepticism toward the Florida Department of Environmental Protection for not doing more to protect water resources. And there was criticism aimed at both water management districts and the DEP for not finalizing until after the Jacksonville permit's approval the agreement that requires one water management district to take into account the impact on the flow of water bodies and groundwater levels in the other district when considering a consumptive use permit.

In the end, with six months having passed since the permit's approval, it was too late to mount an administrative appeal or a legal challenge, said an environmental attorney that Columbia County hired to review the matter.

"The horse has left the barn in terms of the JEA permit," said Sidney Ansbacher, with the firm Gray Robinson.

Despite that opinion, Columbia County Commissioner Ronald Williams said, "I'm ready for a fight."

To that end, Columbia County commissioners unanimously voted to put \$250,000 toward scientific studies intended to show whether groundwater pumping in the Jacksonville area is adversely affecting water bodies in their county. The counties decided to establish a working group to look at regional water concerns.

Gregg Jones, a contracted Suwannee district consultant and the former director of water supply for the Southwest Florida Water Management District, said a scientific basis for any potential challenge could come after minimum flows and levels were established for rivers and springs in the Suwannee district — a process now ongoing. Then it would have to be shown that groundwater pumping in Jacksonville was pushing those water bodies below those adopted levels — which mark the point from which further reductions would cause ecological harm.

"That would be the smoking gun, in my mind," Jones said.

The meeting was scheduled as a joint meeting of the commissioners of rural Columbia, Hamilton and Suwannee counties. Officials from several other governments in the region, including Alachua County Commissioner Lee Pinkoson, and members of environmental groups were also present.

State Rep. Elizabeth Porter, R-Lake City, and state Sen Charlie Dean, R-Inverness, discussed proposed legislation they have sponsored that would require a water management district to consider the impact on minimum flows and levels in another district when considering an application for a consumptive use permit.

The 20-year JEA permit was actually a consolidation of 27 separate permits. It has requirements for increased use of reclaimed water in irrigation and allows for pumping of 155 million gallons per day in 2031.

On Tuesday, several angry speakers said the utility should pump the St. Johns River or put a desalinization plant on the Atlantic Ocean instead of pumping groundwater.

In an interview earlier Tuesday, Athena Mann, the JEA vice president for environmental services, said the permit requires the utility to spend millions of dollars on environmental and groundwater monitoring and that the consolidated permit did not allow for an increase in pumping above the combined amount approved in the 27 separate permits.

"We feel very comfortable with the permit that we got," she said.

St. Johns Water Management District executive director Hans G. Tanzler also submitted a letter to Hamilton, Columbia and Suwannee officials expressing "interest in having you be part of the cooperative path forward."

A presentation Tuesday reviewed how White Sulphur Springs has run dry, how the flow in Ichetucknee Springs and the Suwannee and Santa Fe rivers is down significantly and how the groundwater area feeding the Suwannee district had shrank significantly.

Jones said the problem goes back well before the approval of the JEA permit, despite the fact that was the issue that sparked the meeting.

"Prior to the JEA permit, prior to 2010, too much groundwater pumping had already been permitted ... the damage threshold had already been passed prior to the issuance of the JEA permit. That was just damage on top of it," Jones said. Ansbacher also said that more data needs to be collected on the sources contributing to the drawdown in groundwater levels and surface bodies.

As for the timing of the meeting, Columbia County Chairman Jody Dupree said he was not aware of the JEA permit until six weeks ago.

From: Diane Salz <disalz@yahoo.com>  
Subject: Fw: utilities, water districts join to map FL's future...  
Date: December 1, 2011 9:03:04 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, December 1, 2011 8:54 AM  
Subject: utilities, water districts join to map FL's future...

## **OrlandoSentinel.com**

### **Precious Water, Part 2: Utilities, water districts join to map Florida future**

By Kevin Spear, Orlando Sentinel  
9:39 PM EST, November 27, 2011

The state's most-powerful water bureaucrats and the Orlando area's biggest water utilities have met several times this year, in near-secrecy, in an attempt to dole out the last drops of cheap, clean and highly coveted water from the giant Floridan Aquifer.

Some of those attending the meetings questioned whether they were breaking open-meeting laws by not also inviting business representatives, farmers, environmentalists and the ordinary people who pay monthly water bills.

Others said the discreet nature of the gatherings was necessary if the water-management agencies and the water-pumping utilities were to overcome their historic distrust of each other as they took on an intricate and daunting task.

Experts fear the Floridan Aquifer is being pumped so aggressively that springs, wetlands and lakes are drying up.

The ongoing talks are an effort to develop an orderly move toward new and more-costly sources of water, such as the St. Johns River and even the Atlantic Ocean, while avoiding every-utility-for-itself competition, said Brian Wheeler, executive director of Toho Water Authority, the largest utility in Osceola County and the host of the meetings.

"We've got one shot to get it right," Wheeler said. "If this fails, it will be a long time before we get everybody back to the table. We have the potential to create a lot of legal fights."

The meetings are the centerpiece of the Central Florida Water Initiative, or CFWI, a "collaborative process" to determine how much more water, if any, the Floridan Aquifer can provide, and to establish definitions and benchmarks for environmental harm that aquifer pumping may be causing.

Participants are the three state water-management agencies that share responsibility for Central Florida, the state Department of Environmental Protection and the region's largest utilities.

#### **2013 goal mostly ignored**

The initiative's goal is to determine when, finally, utilities must join forces and tap the St. Johns River or Atlantic Ocean. It's an effort that amounts to a giant redo.

In 2006, the St. Johns River, the South Florida and the Southwest Florida water-management districts established a 2013 deadline after which utilities would no longer be able to get additional water from the aquifer. Instead, they would have to build "alternative-water supply" plants that purify river water or desalinate ocean water.

But with the exception of Seminole County, which built a small plant on the St. Johns River, that 2013 mandate was



shrugged off by utilities as arrogant and unfounded.

"The utilities were not happy with the process, and I think that the districts really hadn't done a good job of collaborating," said Hal Wilkening, water-resources director at the St. John River Water Management District. "So we agreed to retool in terms of working more collaboratively."

The 2013 limit on aquifer pumping, now in limbo, has been legally attached to utilities' water-use permits for the past five years. Unless CFWI comes up with a new mandate, next year could bring more of the water-management turmoil and legal fights already brewing.

### **Battles over reservoir**

This coming January, the St. Johns district plans to consider separate applications for the very same gallons of water — an unprecedented competition for which there is no clear path to resolution.

The applications both seek the right to pump from Taylor Creek Reservoir in east Orange County, which drains into the nearby St. Johns River.

Orange County Utilities acknowledges it will need an alternative-water supply in coming years and wants to pump about 10 million gallons a day from Taylor Creek Reservoir.

Deseret Ranches, one of the nation's largest agricultural operations, is also seeking to pump 6 million gallons a day from the reservoir to irrigate potato and bean crops. That would be on top of the permit that Deseret secured recently for 2 million gallons a day — which Orange County Utilities quickly contested with a lawsuit. The reservoir is within ranch boundaries.

Meanwhile, the city of Cocoa has long had a permit to pump as much as 12 million gallons a day from the reservoir.

St. Johns water-district officials, while still calculating the lake's actual capacity, think it may be able to provide about 16 million gallons a day — or only slightly more than half of the combined amounts now pumped or sought by utilities and Deseret.

"We are trying to figure out how to equitably divide it up," said Catherine Walker, the district's director of water regulation.

### **'Enough monitoring'**

Whether or not the CFWI succeeds with its talks could also determine the outcome of the state's most-heated water dispute, in North Florida.

In May, the St. Johns water district issued a permit to Jacksonville's giant power-and-water utility, JEA, allowing it to withdraw 155 million gallons a day from the Floridan Aquifer — or about 35 million more than now being pumped.

That decision angered residents west of Jacksonville who suspect JEA's aquifer pumping is already draining springs, lakes and rivers such as the Suwannee and Santa Fe.

JEA defends the new permit as environmentally responsible.

"We have enough monitoring of wetlands and groundwater levels that, if what we are doing is causing an impact, then we will see it," said Athena Mann, JEA's vice president for environmental services.

Officials from Columbia, Hamilton and Suwannee counties have scheduled a public meeting for Tuesday night in Lake City to consider fighting the JEA permit.

"There is a growing concern in this part of the state that the massive development to the east of us is just going to suck us dry," Columbia County Manager Dale Williams said. "We do not believe the water policy of the state will protect us — we think it failed us."

Many think a water war over the plight of the Suwannee River could be prevented by procedures expected to emerge from

the Central Florida Water Initiative.

"It's a crucible for the entire state," said Ann Shortelle, director of the DEP's Office of Water Policy.

After holding four meetings with only the barest form of public notice, CFWI participants have now opted to announce the time and place of their next meeting.

"I think we realized very quickly that we were on a path where we needed to make it a public process," said Melissa Meeker, executive director of the South Florida Water Management District.

The next meeting is 10 a.m. Friday at the Toho Water Authority in Kissimmee.

[kspear@tribune.com](mailto:kspear@tribune.com) or 407-420-5062

**Precious Water, Part 1 of 2: Drilling deep to spare environment**

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From: Diane Salz <disalz@yahoo.com>  
Subject: **Fw: former Gov. Graham calls on Scott to provide environmental leadership...**  
Date: December 1, 2011 10:06:06 AM EST  
To: Jack Sullivan <jesull@comcast.net>  
Reply-To: Diane Salz <disalz@yahoo.com>

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

From: Diane Salz <disalz@yahoo.com>  
To: Diane Salz <disalz@yahoo.com>  
Sent: Thursday, December 1, 2011 10:05 AM  
Subject: former Gov. Graham calls on Scott to provide environmental leadership...

Former Gov. Graham calls on Scott to provide environmental leadership  
Bruce Ritchie, 11/30/2011 - 03:13 PM

Former Gov. Bob Graham speaks on the steps of the Historic Capitol to announce the Florida Conservation Coalition on Wednesday, Nov. 30, 2011. Photo Credit: Ana Goni-Lessan

Former Democratic **Gov. Bob Graham** on Wednesday challenged Gov. Rick Scott to take a leadership role on environmental issues "to reverse the damage that's been done and avoid future damage."

Following the legislative session in May, Scott vetoed spending for the **Florida Forever** land-acquisition program in the 2011-12 state budget along with other "special interest" spending. He also signed bills dismantling the state's growth management agency, cutting water management district property taxes by an average of 30 percent and making it tougher for residents to challenge state environmental permits.

Scott says often that his focus is on creating jobs in Florida.

During a rally at the state Capitol to announce the creation of the [Florida Conservation Coalition](#), speakers said water and the environment are important to Florida's quality of life and therefore its economy. They called for Florida Forever funding, an increased state commitment toward **Everglades** restoration and the re-establishment of state growth management laws.

Graham, also a former U.S. senator from Miami Lakes, cited a [Tampa Tribune column](#) on Sunday written by Scott in which the Republican governor cited the importance of Florida's natural resources while calling for accountability in land purchases and consistency in state permitting.

"Water in Florida is a public asset," Graham said. "It belongs to all the people of our state. And the governor of Florida for the last 40 years has had the primary responsibility for protecting that public asset."

"So governor, we call on you -- with our thanks and appreciation for the statements that you have made -- to now lead. We need strong gubernatorial leadership to reverse the damage that's been done and avoid future damage."

**Lane Wright**, a spokesman for Scott, said the Republican governor's leadership on Everglades issues restoration "goes beyond mere words."

"He has met multiple times in person and via phone with our partners in Washington to get everyone moving in the same direction and develop a plan to restore the Everglades," Wright said in an e-mail. "He understands a healthy economy is dependent on a healthy environment."

The Florida Conservation Coalition also supports regional water planning and water conservation and efficiency and the coalition opposes efforts it says are underway to privatize the state's water supply.

"I see a sign out there that says, 'Saving water is conservative' -- amen," **Sen. Paula Dockery**, R-Lakeland, told the rally audience of about 110. "And it shouldn't be a partisan issue. All members (of the Legislature) -- Democrats, Republicans and independents -- should care about water."

The Florida Conservation Coalition won't have a political action committee raise money to buy commercials or give to friendly candidates.

And although there don't appear to be any bills now to reverse the environmentalists' setbacks during the 2011 session of the Legislature, **Audubon of Florida's Eric Draper** told reporters that may change.

"I think when we really get out and get more people involved and people find out what was proposed last session and what is proposed this session," he said, "we will see much more involvement by the ordinary public."



From: Diane Salz <disalz@yahoo.com>  
Subject: **Fw: concern over bill to exempt reclaimed water from water use permitting...**  
Date: November 18, 2011 6:00:52 PM EST  
To: Jack Sullivan <jesull@comcast.net>  
Reply-To: Diane Salz <disalz@yahoo.com>

FYI.

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

From: Diane Salz <disalz@yahoo.com>  
To: Diane Salz <disalz@yahoo.com>  
Sent: Friday, November 18, 2011 5:59 PM  
Subject: concern over bill to exempt reclaimed water from water use permitting...

Concern meets bill exempting treated wastewater from consumptive-use permitting  
Bruce Ritchie, 11/18/2011 - 03:59 PM

A bill that would exempt the use of treated wastewater from state permitting is raising concerns among some environmentalists who say it steers Florida towards creating water rights under state law.

An average of 659 million gallons of treated wastewater was used daily in 2010 to water lawns and golf courses, irrigate crops or replenish groundwater aquifers, according to the **Florida Department of Environmental Protection**. The availability of such "reclaimed" water increased 331 percent between 1986 and 2010.

Some water utilities have argued in recent years that using such reclaimed water should not count against them when they apply for permits to withdraw more water from aquifers, rivers and lakes. They say allowing water-management districts to count reclaimed water punishes utilities for their costly investments in wastewater treatment.

**HB 639** prohibits water management districts from requiring a permit for the separate use of reclaimed water. The bill also declares that reclaimed water is not "waters of the state," as defined in state law, until it has been discharged into a waterway.

"That is a very dangerous thing," said **Eric Draper**, executive director of **Audubon of Florida**. "It's dangerous to start changing the definition of waters of the state. We suspect other users of water will start to add their uses to this definition." Allowing utilities to own their reclaimed water, he said, takes it away from the water supply planning for other uses including agriculture, industry and natural systems that include lakes and rivers. Utilities could sell water to casinos for fountains or anyone who bids the highest for the water, possibly taking it away from industries or farms that need it.

**University of Florida** law professor **Richard Hamann** likewise says the bill place limitations on districts -- but he disagrees that it creates water rights in state law. He is on the board of the **St. Johns River Water Management District**.

"I think it is important we reuse our water efficiently ... to offset those withdrawals that are impacting the environment," Hamann said. "This takes away the ability of the water management districts to do that and I think that is a bad thing."

**Rep. Dana D. Young**, R-Tampa and sponsor of the bill, said utilities need regulatory certainty to invest in water treatment plants and piping systems to encourage the use of reclaimed water by customers. She said the bill won't change how groundwater and surface water withdrawals are regulated.

"We want to encourage people to build distribution systems and to use reclaimed water when it's feasible to do so," Young said.

The **Florida Department of Environmental Protection** also supports the bill. It is based on recommendations from a department technical working group that included representatives of water management districts and water utilities, said **Janet Llewellyn**, administrator in DEP's **Office of Water Policy**.

She said the districts now are not requiring permits for those who use 100 percent reclaimed water -- and HB 639 would put that practice into law. She said it would not create water rights, but it would provide permitting flexibility needed for reclaimed water.

"Right now reclaimed water is marketed to customers very much in the same way potable (drinking) water is provided to customers," Llewellyn said. "I'm not seeing there is a huge change in the way that will work."

Other supporters of the bill include the **Florida Association of Counties** and the **Florida League of Cities**.



From: Diane Salz <disalz@yahoo.com>  
Subject: **Fw: water issues could be a game changer...**  
Date: November 17, 2011 7:34:46 AM EST  
To: Jack Sullivan <jesull@comcast.net>  
Reply-To: Diane Salz <disalz@yahoo.com>

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FYI.

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

From: Diane Salz <disalz@yahoo.com>  
To: Diane Salz <disalz@yahoo.com>  
Sent: Thursday, November 17, 2011 7:20 AM  
Subject: water issues could be a game changer...

## Assistant agriculture commissioner: Water issues could be state game changer

By [Anthony Clark](#)

Business editor

Published: Wednesday, November 16, 2011 at 6:14 p.m.

Florida's agriculture industry has tremendous opportunities to provide nutritious school meals and grow crops for alternative energy, but water supply issues could create serious problems without the right solutions, said Mike Joyner, the state's assistant commissioner of agriculture.

Joyner was the guest speaker Wednesday at the Alachua County Farm-City Week luncheon at the Paramount Hotel. He laid out the agriculture agenda for his boss, Adam Putnam, commissioner of the Florida Department of Agriculture and Consumer Services.

The department will take over responsibility for public school meals from the Department of Education starting in January under the Healthy Schools for Healthy Lives Act passed by the Legislature.

The Agriculture Department has relationships with growers that will help move the state's abundance of fresh fruits and vegetables into schools, Joyner said.

The idea is to instill in students the value of healthy food and involves the agriculture industry in addressing issues of obesity that lead to higher health-care costs and lost productivity.

Department staff members have been meeting with school superintendents, lunchroom managers, farmers and extension agents to work on logistics, he said.

Agriculture also has an incredible opportunity to grow renewable energy sources, Joyner said, singling out research into algae and high-energy crops used for biofuels.

From a public policy standpoint, he said Florida can create a business-friendly environment by offering tax incentives and removing regulatory barriers for new technologies and industries.

Joyner passed on a question about why biomass is controversial, saying he didn't have enough information.

Gainesville City Commissioner Susan Bottcher said the controversy here comes from misinformation and people who don't understand the issue.

She said the Gainesville biomass plant will burn wood waste from a 75-mile radius around Gainesville.

"We're talking about locally produced, renewable energy," she said. "This is jobs. This means we're not having to import our energy sources. That people find controversy in that is puzzling."

Bottcher was on hand to read a proclamation from Mayor Craig Lowe declaring Farm-City Week in Gainesville.

Joyner called water shortages in the state a game changer — "and if we don't get it right we've got some serious problems."

"If you're growing orange trees in Polk County, if you're trying to save the Everglades, if you're trying to build homes up here, it really depends on water."

The solution is to continue developing alternative water supplies, he said, pointing to St. Petersburg's water-reclamation system that provides 37 million gallons a day for golf courses, landscaping and other uses.

Farm-City Week is observed throughout the United States and Canada during the week before Thanksgiving to emphasize the interdependence between rural and urban citizens. Wednesday's event was sponsored by two local Kiwanis clubs, the Alachua County Cattlemen's Association, the Alachua County Farm Bureau and the University of Florida Institute of Food and Agricultural Sciences.

From: Diane Salz <disalz@yahoo.com>  
Subject: **water conservation is a matter of economic necessity...**  
Date: November 14, 2011 10:17:50 AM EST  
To: Jack Sullivan <jesull@comcast.net>  
Reply-To: Diane Salz <disalz@yahoo.com>

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Officials: Rampant water use depleting resources  
By DINAH VOYLES PULVER, Environment writer

A water sprinkler soaks an Ormond Beach lawn. (N-J |Jim Tiller)

Conservation-minded folks save water by taking shorter showers, turning off the tap while brushing their teeth and dutifully following the water rules. Others aren't so thrifty.

A search of customer billing records provided by local utilities shows that while wildfires burned and lawns shriveled during a near record-setting drought in May and June, dozens of homes used more than 50,000 gallons of water a month -- as much as 10 times more than average.

That profligate water use across Volusia and Flagler counties dismays officials who have preached water conservation for decades and warn the region's water resources are being depleted faster than they can be replenished by rainfall.

"It's totally wasteful," said Don Feaster, former director of the former Volusian Water Alliance, a now defunct organization that promoted collaboration among area governments. "There's no excuse for it."

Utilities trying to delay the need for expensive alternatives such as desalination say conservation is the way to go, less expensive for taxpayers and utility customers. If they could only convince their customers.

Typical customers in the two counties use between 4,000 and 8,000 gallons a month, but hundreds regularly use several times. At least two dozen utility customers used more than 100,000 gallons in May, paying for that privilege with bills ranging as high as \$1,000.

At a vacant home on Pine Meadow Drive in Glen Abbey, the meter recorded 216,000 gallons used in May, as much as the entire Ocean Walk Resort complex in Daytona Beach. A home on Barclay Court in DeBary Golf and Country Club, where a new lawn was installed, used 180,000 gallons a month, more than 22 times the average.

#### **'BEST ECONOMIC INTEREST'**

For years, conservation was largely a matter of encouragement and education. It has become a matter of economic necessity, said Max Castaneda, water conservation policy analyst for the St. Johns River Water Management District. With utilities across the region searching for ways to stretch water supplies, and considering expensive alternatives such as building a desalination facility at a cost of an estimated \$400 million, conservation is now about saving money for the utility, its customers and taxpayers.

Utilities are going to want to be more detailed about water conservation and how they are going to reduce overall water use, said Al Canepa, assistant director of the district's water resources department. "It's in their best economic interest." Since 2009, the district has worked with five utilities, including the city of Palm Coast, to develop a new computer model and program designed to boost conservation by helping utilities, and eventually individual customers, keep closer track of water use and find ways to save, Castaneda said.

The research has shown conservation can help utilities delay the need for additional water resources and costly plant capacity expansions, he said. The district continues to refine the program, recently expanding to 30 utilities, including Port Orange. Eventually, Castaneda said, it will help utilities move faster to alert residents when water use suddenly changes. Currently, several utilities, including New Smyrna Beach and Deltona, say their billing systems don't allow them to track the highest residential users.

Other utilities are proactive, such as South Daytona and Port Orange, notifying customers as soon as a meter reader realizes the water use is higher than normal.

After years of talking about conservation, most utilities, at the district's urging, have adopted a different strategy to try to curb flagrant water use -- much higher water bills.

"If someone wants to use a lot of water, they're going to pay for it," said John Shelley, finance director for the city of Port Orange. "It kind of zings them with a big bill for water and for wastewater."

Customers pay a flat rate for a set amount of gallons, often 10,000 gallons or less, then an escalating rate for additional water.

Volusia County ramped up its rates over the summer, in part to pay for improvements to the system and in part to encourage conservation. Water customers in West Volusia now pay \$1.75 per 1,000 gallons for up to 5,000 gallons. Above that, the rate increases in 5,000 gallon increments. Any water use greater than 20,000 gallons is billed at \$10 per 1,000 gallons.

The bill that was nearly \$1,000 in May would be around \$1,600 under the new rules.

#### **NEED TO CONSERVE**

Some high users asked not to be identified by name or street address, but some who talked about their bills were shocked at the amount of water they used in May.

Brenda Cullum moved into a home in DeBary Golf and Country Club in May, the same month the water meter topped 138,000 gallons for just two people. Two months later, she received another high water bill, for around \$900.

"I just about had heart failure," she said. "We try to water minimally."

Cullum said she has tried everything she can think of to reduce the water use. When it rains, she turns the sprinklers off. A plumber replaced a portion of the irrigation pipe. A lawn irrigation company replaced the sprinkler heads.

"If I had a lush lawn I could understand it, but I don't," she said. "One time this summer the lawn service wouldn't cut my grass. He said it was too dry."

"He tells me I'm not watering it enough," she said. "But I can't afford it."

In Palm Coast, Jack and Lorna Schaller, had a new lawn installed in May.

"They said I had to water every day for several weeks," said Lorna Schaller. "It was very expensive to put the lawn in and, it was very expensive to put the water on. I hope that I'm cutting back on the water now."

Tom Swihart, author of the book "Florida's Water, A Fragile Resource in a Vulnerable State," said it's clear too many people are still using "an excessive amount of water." Studies by the University of Florida have shown lawns do not need such huge amounts of water, Swihart said. State and local laws also require such efficiency measures as valves that shut off automatic irrigation systems when it rains. But experts say the measures are difficult to enforce.

The district's new computer model may one day help customers such as Cullum and Schaller know sooner when their water use is higher than average or when it suddenly increases.

The program determines the normal averages, based on home size and age and size of the lawn.

It allows a utility to plug in customers' monthly water use volumes, apply a variety of possible water conservation measures and determine which conservation programs would save the most water, said the district's Canepa. For example, if a city had \$100,000 to spend, the program would say which alternative, such as offering the highest users low-flow toilets, would save the most money and water.

Eventually individual customers could use a version of the program to pull up a cost-benefit analysis for the various conservation options based on how much they want to spend and determine how much water that will save over time, Canepa said.

In Palm Coast, where economic concerns have shelved plans to build a desalination facility, the city hopes the district's new computer program can help the city significantly increase conservation among its water customers.

As the city moves forward with conservation efforts, environmental specialist Brian Matthews said they may use the software to conduct an outdoor irrigation conservation audit, then ask a consultant to work with 20 or 30 of the highest use customers.

A lot of folks still don't understand the need to conserve, Matthews said. "When everybody or an overwhelming majority think that way and there's not enough supply to support that culture, those same folks will have a hissy fit when it comes to paying for that alternative water supply in the future.

"We're trying to look forward to the future and trying to keep our rates in line with what our customers can afford," he said.

"It will not eliminate the need for alternative water supplies in the future anywhere in Florida, it will only delay it."

# County commissioners delay water limit hearing to January

## Citrus facing another hefty fine

CHRIS VAN ORMER  
Staff Writer

A civic group leader got a month's delay on a public hearing about watering restrictions, saying residents needed more notice.

Speaking to the Citrus County Board of County Commissioners (BOCC) on Tuesday, Duane Deuker, president of the Sugarmill Woods Civic Association, asked the board to pull an item from the consent agenda to set a public hearing Dec. 6 to amend an ordinance about water usage. The ordinance would reduce lawn watering from twice a week to once a week.

"What you are doing is penalizing over 80 to 85 percent of the residents by doing that," Deuker said.

Fifteen percent to 20 percent of residents were causing the overpumping, Deuker said, and the county should focus on bringing those users into line.

Deuker also referred to previous information about once-a-week watering raising all customers' base rates to realize the same revenue necessary to operate the water system.

"So, now the residents are getting a higher cost for water and less water," Deuker said.

Considering the importance of the two issues — how much water leaks accounted for overpumping and reducing watering while raising the base rate — Deuker made the case for postponing the Dec. 6 public hearing until January to allow more residents time to get involved, with the county notifying more people in advance.

Deuker also recommended an alternative to making a once-a-week watering restriction that would last indefinitely.

"You need to look at the Daylight Saving Time some districts have used," Deuker said. "Once a week in the winter and twice a week in the summer."

Deuker said more than 200 residents in Sugarmill Woods had to put in new lawns this summer because of current watering restrictions.

"That was a big expense," Deuker said. "Roughly \$10,000 each on average. I would hate to



**Brad Thorpe**  
says the county is overpumping water.



**Dennis Damato**  
was in favor of postponing the public hearing.

have to go through that again in the next year. They are going to be very, very unhappy."

As Sugarmill Woods is not the only community facing these issues, Deuker said he would like to see the public hearing postponed until a time when more public discussion could be offered.

County Administrator Brad Thorpe said the board could delay the public hearing, but the county was still overpumping water. Southwest Florida Water Management District served the county a consent order for overpumping, meaning the county had to pay fines of \$239,997 to the water district for overpumping the Sugarmill Woods wells permits.

The county has enforced water restrictions, used educational programs, offered rebate incentives and audited irrigation systems, but these actions have not brought water usage into allowable amounts. Since water restrictions returned to twice a week, water usage has consistently

exceeded allowable limits, according to a county staff report. Because irrigation for lawns can account for 50 percent to 70 percent of a homeowner's total water usage, reducing allowable irrigation days would reduce water usage.

Thorpe said the BOCC could choose to delay the public hearing. "We're still overpumping," Thorpe said. "We can either pay and try to make it better now, or we can continue to overpump, get fined again and go through this all over again."

Thorpe said the water leak problem had been solved. The county now was trying to reduce water pumping.

Robert Knight, water resources director, said Sugarmill Woods pumped 2.6 million gallons a day on average. The proposed new permit is for 2.2 million gallons.

"We're approximately 20 percent over the proposed new permit," Knight said. "Based on the calculations Swiftmud uses, we're facing another quarter-million dollar fine. We've got to get it down."

Solving the leakage problem did not solve the overpumping problem, Knight said.

"We are mandated to get down to no more than 150 gallons of water per person per day no later

than 2019," Knight said.

Commissioner Winn Webb asked if the public hearing could be delayed until January and was told by Thorpe and Knight that it could. However, delaying the public hearing by one month also would delay the ordinance. It would have gone into effect in February, but would be set back to March.

"We keep delaying the inevitable," Thorpe said. "We're still not there. And I don't want this board and the public to be shocked by another consent order, because if we don't do something we're going to have another consent order. And we're paying it one way or the other. That's the bottom line."

BOCC Chairman Dennis Damato said he favored postponing the public hearing, but wanted both county staff and the civic association to give residents "a full media blitz" about where the county stood with water usage and what would be required.

Thorpe pulled the item from the consent agenda to propose at another meeting, effectively delaying the public hearing until a date in January.

Chronicle reporter Chris Van Ormer can be reached at [cvanormer@chronicleonline.com](mailto:cvanormer@chronicleonline.com) or (352) 564-2916.

11-10-11