

**AWWA/Florida and AWWA/Florida Utility Council
Drinking Water Day**

March 28, 2007
Tallahassee, FL
9:00am – 3:00pm

Attendees:

<u>Name</u>	<u>Representing</u>	<u>Name</u>	<u>Representing</u>
Suzanne Goss, AWWA/Florida UC Chair	JEA	Lisa Wilson-Davis, AWWA/ Florida UC Secretary	City of Boca Raton
Rob Teegarden, AWWA/Florida, Chair	Orlando Utility Commission	Doug Mann	Littlejohn, Mann & Associates
Jacqueline Torbert, AWWA/Florida Past Chair	Orange County Utilities	Bobbie Hinde, AWWA/Florida Executive Director	AWWA/Florida
Lori Pettit	Hillsborough County	Rich Rollo	Englewood Water District
Pat Lehman	Peace River/MRWSA	Jason Parrillo	ITT-FLYGT
Ray Pilor	PR/MRWSA	Grady Sorah	PR/MRWSA
Rick Nipper	City of Palm Bay	Ed Bettinger	Department of Health
Marvin Kaden	Pasco County Utilities	Ivan Noel	Peer Consultants
Marjorie Guillory Craig	City of West Palm Beach	Bob Cushing	Carollo Engineers
Robert Sechen	Blank and Meenan PA	Kevin Goff	Talquin Electric
Robert Saponelli	Martin County	Joseph Ream	South Walton Utility Co.
Tom Dawson	Emerald Coat Utilities	Mike Condran	HDR Engineering
Tim Waddle	Talquin Electric	Jim Oskowis	City of Tallahassee
Henry Hicks	City of Ocala	Domenic Gentilucci	Utilities, Inc.
Raymond A. Parrish	Utilities, Inc.	Paul Mattausch	Collier County Water
Carlos Aguilera	City of North Miami Beach	John Deck	City of North Miami Beach
Jeff An(Huren)	City of North Miami Beach	Kelvin Baker	City of North Miami Beach
John Hopkins	City of Plantation	Tony Love	City of Alachua
John Hagelskamp	AFC	Rick Ratcliffe	American Flow Control
Craig Doeden	American Cast Iron Pipe Co.	Nolan Smith	City of Alachua
Tom Kleppe	American Cast Iron Pipe Co.	Tom Milazo	Bonita Springs Utilities
Deryle Calhoun	JEA	Mel Fisher	Bonita Springs Utilities
Scott Kelly	JEA	Kerry G. Shelby	Florida Keys Aqueduct Authority

Call to order:

Suzanne Goss, AWWA/Florida Utility Council (UC) Chair called the meeting to order at 9:15am. Participants received a green binder with reference materials for agenda items. Pages noted on in the minutes refer to the page the material is found in the reference material.

Approval of 2/16/07 Minutes – page 3

Motion to approve the minutes from the February 16, 2007 AWWA/Florida UC meeting was made by Rich Rollo; seconded by Rob Teegarden.

Treasurers Report – page 11

Budget: Current actuals spent = \$38,872.00 and the current balance = \$146,000.00

Utility Council Officers and Committees –page 14

Officers

Chair: Suzanne Goss

Vice Chair: Brian Wheeler

Secretary: Lisa Wilson-Davis

Committees

Legislative: Lisa Wilson-Davis

Regulatory: Ralph Terrero – This position may be open, volunteers were solicited.

Membership: Lisa Wilson-Davis

Annual Report: Officers will put together

Liaisons

Don Baylor – Southeast Florida Utility Council

Conserve Florida – Brian Wheeler and Lisa Krentz

Legislative Issues – Discussion lead by Doug Mann

Resolution in House at 3:00 p.m. – page 17

Participants were requested to go to House West Gallery by 2:45 p.m. to be present during Representative Trudy William's presentation of a House Resolution designating Wednesday, March 28, 2007 as "Drinking Water Day" in Florida.

Gold Star Permitting PCB ENRC 07-04– page 19

This is a PCB – Proposed Committee Bill, should be getting a HB number shortly. Likely there will be a Senate counterpart.

Doug Mann reviewed the draft language and identified lines of concern:

70 – Environmental Statute

83 – Occurred within one year

93 – Irresponsible Applicant Definition – broad definition

150 – Consequences can be severe for “the way business is done” type violations – very common for Utilities to have one or more violations a year.

160 – Can hold application in abeyance.

Doug Mann stated Rep. Trudy Williams is pushing substitute language and that the draft language is changing.

General consensus is that this program is under the guise of rewarding those Utilities that do well, however, could place many Utilities in the “bad actors” category.

- Jackie Torbert asked if “Utility” refers to both Water Treatment Facility and Wastewater Treatment Facility, would the violations be combined.
 - Doug Mann stated there is a possibility.
- Rich Rollo asked if a Utility is under a Consent Order could it be applied retroactively.
 - Doug Mann stated the Utility may be monitored more closely and could have unintended consequences.
- Scott Kelly commented that the DEP is encouraging Wastewater Treatment Facilities to enter consent orders in place of enforcement action and this has placed Utilities in the “bad actor” category.
- Marjorie Craig commented that even heavy rainfall events could put Utilities in the “bad actor” category.

Doug Mann encouraged members to discuss this program with their legislators and convey how this could hurt utilities.

Springs Protection – SB2536 – page 29

Doug Mann commented that in the past, Senator Argenziano has taken an extreme position on this legislation realizing there may be a possible need to negotiate down.

This bill appears to be locked up in the House and members need to keep close watch.

Specific lines of concerns include:

Pg. 32: Line 30 – Primary Protection Zone – close to springs

Pg. 33: Line 32 – Spring Shed – anything that flows to springs – 600 square miles in some cases – Activities will be restricted in those areas

Pg. 36: Line 11 – Discusses restrictions

It was noted that there are 33 First Magnitude Springs and possibly twice as many Second Magnitude Springs in Florida; therefore, this could be a severe impact on Utilities in northern Florida

Participants suggested the legislators should focus on:

- Educational outreach efforts and
- The inspection and maintenance of new and existing septic systems

This Bill impacts wastewater utilities more than water; however, Water Utilities need to monitor the bill. There is a House companion – Sponsored by Representative Debbie Boyd.

Wekiva Onsite Sewage Grant Program – HB 357 page 39

Doug Mann commented this bill may be weak due budget constraints.

On pg. 40: Line 48 there is a provision for \$10,000.00 grant available.

- Henry Hicks commented that this provision should allow grant funding to be used for replacement of septic systems and that it should also allow for connection to municipal system. FWEAUC has submitted proposed amendments to the bill to allow for this.

Northern Everglades – SB392 page 44

Doug Mann commented that money is flowing into this project and that it would be more than likely to continue.

SFWMD Governing Board – SB 1764 page 72

This bill allows for the aligning of the Governing Board with county constituents – Lee County and St. Lucie County are requesting a seat. There is a good chance this will happen.

SWFWMD Governing Board – SB 1776 pg. 74

This bill allows for the aligning of the Governing Board with county constituents – Polk County is requesting a seat. There is a good chance this will happen. The bill also has a provision for the number of Board members to go from 11 to 13.

Alternative Water Supply (AWS) Funding – HB 7059 page 77

Doug Mann reminded participants about the Stop Alert to handouts that need to be delivered to their legislators. This handout can be found in the meeting folder; additional are available. Representative Mayfield is the bill sponsor.

The AWWA/Florida UC is hoping the Senate will oppose this bill.

This House Bill appears to be coming out of nowhere and it cuts funding for Alternative Water Supply projects in half permanently, from \$60 million to \$30 million. This funding needs to continue at least at the current level and should be on-going.

Other efforts to stop this bill include: Pg. 82: Tax Watch educational flyer

AWWA/Florida UC is working with the Water Management Districts to ensure funding continues. DEP is compiling a report on funding to date as well as actual cost of all projects to date. This information can help with efforts to stop this bill.

Doug Mann listed a few key Senators and Representatives to visit and to leave behind the Stop Alert.

Chapter 7, 373, F.S. Revisions – SB 2882 page 87

This is mainly a revision bill with no House companion. This bill proposes to put all water supply issues in one place and is expected to fail.

General Discussion

Thank you

AWWA/Florida UC extended kudos and a big THANK YOU to Shannon Daugherty from Littlejohn, Mann & Associates for her efforts in coordinating this event.

- Kelvin Baker asked if there have been any impact studies on Tax Reform as it impacts Utilities.
 - Doug Mann commented Municipal revenues will be impacted and could result in Utility rate increases to supplement general funds. Also, how will increased sales tax revenues be dispersed? Many unanswered questions around this issue.

Suzanne Goss gave a brief overview of National Issues

Suzanne Goss informed participants there would be a National AWWA Fly-in to Washington D.C. April 16th and 17th. Items for discussion include:

- Infrastructure Funding and SRF programs: HR 720 and the Clean Water Trust Fund
- Appropriations (SRF programs)
- Ongoing Chemical Legislation – could effect utilities using elemental chlorine
- Perchlorate issue

Members walked to the steps of City Hall for the Finalists Drinking Water Contest

Top 3 contestants of 11 were chosen to participate in contest at City Hall. The winners were:

- 1st Place: Utilities Inc. of Florida
- 2nd Place: Martin County
- 3rd Place: City of Plantation

Congratulations to all Regional finalists and the winners.

Luncheon/Speakers

Suzanne Goss introduced Janet Llewellyn, FDEP.

- **Janet Llewellyn (FDEP)**
 - Janet is the new Director of Water Resource Management – replaced Mimi Drew.
 - Agency Priorities
 - Continue to restore Everglades
 - Continue to restore Lake Okeechobee
 - Florida Forever – land acquisition
 - Energy – Started in 2006 with Florida Energy Act
 - Incentive funding / grants and rebates
 - Leadership
 - Government is there to serve people
 - Back to basics – measuring effectiveness
 - “Plain Speak” Initiative
 - Values of priority for Director Mike Sole are integrity, transparency, and accountability.

Water Issues

- Water Protection and Sustainability Act
 - AWS funding, water supply plans – DEP report coming out soon.
 - 2 years of implementation and the state is achieving results quickly.
 - Updated water supply plans by WMDs were done quickly
 - AWS Projects now in plans
 - Reworked future water supply projections from 6.5 Billion (2005) to 2025= 8.5 Billion – There will be a public water supply increase by 49% mostly in South Florida – in the past, increased supply demands were seen in agriculture.
 - 238 AWS projects funded in 2yrs.
 - First Year
 - State \$100 Million
 - WMD \$132 Million
 - \$1.6 Billion final project cost
 - 77% projects reclaimed and brackish demineralization
 - House Bill 7059 on table to cut funding in half.
- Reuse and Reuse feasibility
 - Guidelines for feasibility studies are over 10 years old. Reviewing the guidelines (U of F coordinating).
 - There will be guidelines for four types of Utilities:

- WWTF
- WWTF and WTP
- WTP
- Users
- Incorporate reuse replacement component into feasibility.
- Rulemaking to codify the guidelines would need to occur.

Opened up to questions for Janet Llewellyn:

- Jim Oskowis asked which guidelines should facilities use; the new draft guidelines or the guidelines that have been in place?
 - Janet Llewellyn recommended using the existing guidelines, however, talk to DEP because Utilities may be able to incorporate some of the new requirements.
- Rich Rollo asked if there was any consideration in legislation to restrict irrigation (automatic sprinklers).
 - Janet Llewellyn commented:
 - Disinclination to take a heavy hand from the state – encourage local entities to develop codes.
 - Guidelines for automatic sprinkler systems were developed – to be published shortly.
 - Structured water rates could help reduce use.
- Ray Pilor asked if there was a plan for the ASR wells regarding Arsenic.
 - Janet Llewellyn stated the FDEP is waiting for a final answer from the EPA.
- Suzanne Goss commented that utilities are encouraged to promote and expand reuse but there is reluctance on the part of WMDs to put pressure on end users to utilize reclaim. How can DEP help?
 - Janet Llewellyn commented the Districts are supposed to require use reclaim water when it is “feasible” and a non-aggressive stance by WMD is being taken.
- Suzanne Goss also commented on Conserve Florida. The door appears to be closed before a Water Conservation Plan has been developed using the tools in the “tool box”.
 - Janet Llewellyn commented it is voluntary interest and it has been difficult to evaluate water conservation. Developed a web based application allowing unique attributes of each utility to chose and put together a goal based water conservation plan using best professional judgment. Still voluntary and the Utility must prove the goal based plan is “at least as water conserving as traditional” methods to the WMDs. Appears WMDs are warming up to the goal based plan but there is still uncertainty. U of F is hosting the Water Conservation Clearinghouse. Districts agreed to fund program for next three years.
- Rob Teegarden suggested if we put in a conservation plan using the tool, it should be ok.
 - Janet Llewellyn commented we need to use it and work through it.

- **2007 Legislator of the Year**

Rob Teegarden, AWWA/Florida Chair, presented the 2007 Legislator of the Year award to Representative Trudi Williams.

Issue Briefing and Discussion

Conserve Florida – page 144 – Overview by Erik Olson from Hopping Green & Sams

Goal of Conserve Florida is to improve water conservation. The effort coincided with rule amendments in 62-40 DEP – Water Resource Implementation Rule.

- Focus on Water Conservation rate structures.
- Lower cost regulatory options were offered – none were adopted for.
- Rule was challenged and settled – Rule 62-40.412 (pg. 145) contains language that was developed by Utilities and settled upon.
 - Tailored Goal-based plans could be developed.
 - Reaffirmed rate structures are developed by Utility and WMD can only review.
- Codified rule in 2004
 - It is now in legislation that goal based plans can be submitted
 - DEP and WMDs to develop Clearinghouse to gather water conservation measure information
 - DEP to develop a guidance document w/menu of options for goal-based water conservation.
- DEP funded web program: www.conserveflorida.org
- To date, no WMD has accepted a goal-based water conservation plan as part of a CUP. Very difficult to prove goal based “is at least as good as” existing water conservation measures.
- Miami-Dade is working on developing a goal based conservation plan with the SFWMD as well as City of Venice.

Solutions:

- Legislation empowers DEP and WMD to consider goal based plans – should have rulemaking on DEP or WMD accepting a goal based plan that utilizes the Guidance document.
- Change legislation to delete the “is at least as good as” language. – page 150 has proposed language.

Funding for conservation is not part of AWS (SB 444) – DEP has agreed to support Conserve Florida in place of funding AWS projects.

Florida’s Water Future – Scott Kelly, JEA

Scott Kelly gave an overview of the initiative that is modeled after California but is more comprehensive and better. The initiative includes representatives from the water and wastewater sectors, and key stakeholder groups.

There will be a 1 ½ day discussion at FWRC conference in Orlando as kick-off. Ed Means from Malcolm Pernie will be presenter and facilitator. The event will kick off on Sunday (April 15) at

4:00 p.m. with an overview of the survey results highlighting some of the major issues that utilities will face. The next day and a half will focus on the top four trends: Workforce Readiness (labor and institutional knowledge); Total Water Management; Regulatory Trends and Utility Finance.

There will be a Summit held in mid-September to continue with the initiative.

New Restrictions – CUP page 159

Discussion of proposed restrictions similar to those in the Central Florida Coordination Area and those now in place in Southeast Florida by the South Florida Water Management District's Regional Availability Rule occurred.

- Capping Utility withdrawals to a base line date.
- Groundwater modeling to show impact on regional supplies.

Utilities were urged to follow proposed rulemaking by their districts closely and provide comments in writing. The AWWA/Florida UC will also continue to follow this issue.

Central Florida Coordination Area – page 154

Discussion tabled.

Meeting Adjourned

Meeting was adjourned at 2:45 p.m.

Participants were encouraged to meet their legislators and pass out the Stop Alerts for HB 7059.