

**JOINT WATER ADVISORY BOARD AND TECHNICAL ADVISORY
COMMITTEE MEETING
JANUARY 24, 2020**

WAB MEMBERS PRESENT: Commissioner Steve Geller, Broward County Board of County Commissioners, Chair
Commissioner Kevin Biederman, City of Hollywood
Kevin Hart for Albert Carbon
Commissioner Tim Lonergan, City of Oakland Park
Vice Mayor Susan Starkey, Town of Davie
Mayor Sandy Welch, City of Coconut Creek
Ron Bergeron, South Florida Water Management District
Commissioner Doug Bell, CBWCD Board of Commissioners
Mayor Greg Ross, South Florida Regional Planning Council
Mark Peterson, Greater Fort Lauderdale Alliance
Commissioner Tim Ryan, Broward County Board of County Commissioners
Commissioner Richard Blattner, Alternate, City of Hollywood
Jack McClusky, Alternate, SBDD Board of Commissioners

WAB MEMBERS ABSENT: Vice Mayor Tom Good, Pembroke Pines
Mayor Ken Thurston, City of Lauderhill
Mayor Wayne Messam, City of Miramar
Commissioner Neil Kerch, Alternate, City of Sunrise
Mayor Frank Ortis, Alternate, City of Pembroke Pines
Mayor Dean Trantalis, Alternate, City of Fort Lauderdale
Mayor Michelle J. Gomez, Alternate, City of Tamarac
Commissioner Barry Moss, Alternate, City of Pompano Beach
Pete Kwiatkowski, Alternate, South Florida Water Management District

TAC MEMBERS PRESENT: Kevin Hart, Co-Chair
Talal Abi-Karam
Harold Aiken
Mike Bailey
Doug Bell
Randy Brown
Mark Collins
Constance Ruppender for Mike Crowley
Patrick Davis
Sara Forelle
Isabel Botero for Rafael Frias
Kevin Carter for Alan Garcia
Dr. Jennifer Jurado
Lorraine Mayers for Pete Kwiatowski
Steve Holmes
Leny Huaman
Jose Lopez

Rebecca Malones for Lisa Milenkovich
Marta Reczko for Renuka Mohammed
Stephanie Pearson
Steve Urich
Tim Welch

TAC Albert Carbon, Chair
MEMBERS Barry Heimlich
ABSENT: Pat O'Quinn

Also Present: Dr. Evelyn Gaiser, Endowed George Barley Eminent Scholars Chair;
Professor Biological Sciences; Institute of Water and Environment, Florida
International University
Kevin Carter, Broward County Water & Wastewater
Shana Coombs, City of Pompano Beach
Steven Eagle, NOVA Consulting
Susan Juncosa, Broward County Water & Wastewater
Dr. Carolina Maran, P.E., Water Resources Manager, Environmental Planning
and Community Resilience, Broward County
Ernie Cox, Palm Beach Aggregates
Carlos Adorisio, Engineering Supervisor, Broward County Environmental
Engineering and Permitting Division
Michael Owens, Broward County Attorney's Office
Nancy Cavender, The Laws Group

A joint meeting of the Broward County Water Advisory Board, Technical Advisory Committee, and Water Resources Task Force was held at Broward County Government Center, 115 South Andrews Avenue, Room 430, Fort Lauderdale, Florida on Friday, January 24, 2020 at 10:00 a.m.

(The WAB/TAC meeting minutes were summarized by Norma Ellison. Copies of the presentations, as well as the sign-in sheets, are filed with the supplemental papers of the meeting.)

Roll Call – Water Advisory Board (WAB)

Roll call was taken by the Real Time Reporter. A quorum was present.

Public Comments

None

WAB Approval of minutes from November 8, 2019

On Motion of Mayor Ross, seconded by Vice Mayor Starkey, and unanimously carried, the Board approved the Joint WAB/TAC Meeting Minutes from November 8, 2019.

The Chair requested Dr. Jurado distribute to the members information on a recent federal ruling regarding limitations that threaten the protection of waterbodies.

The Chair referred to the extensive debate at the last meeting that interrupted two speakers' opportunity to make their full presentations.

He expressed his appreciation that the speakers returned and are able to present today.

C-51 Reservoir Update

Ernie Cox, Palm Beach Aggregates

Ernie Cox informed that three more city utilities have signed capacity allocation agreements; Fort Lauderdale, Pompano Beach, and Margate. Adding to the other four existing utilities; Broward County, Sunrise, Dania Beach, and Hallandale Beach, totaling 20 mgd out of the 35 mgd that Phase 1 can provide for public water supply. He remarked that Miami-Dade is seriously considering signing up, which would take the remaining 15 mgd to completely subscribe Phase 1 of the 35 mgd.

Mr. Cox then informed that the C-51 Reservoir Project will be an item on the County Commission agenda next meeting, January 28th. He explained that the item is to approve the second amendment to the agreement for capacity allocation in Phase 1 in order to extend Palm Beach Aggregates' deadline for funding and construction start to May 31, 2020. This modifies the deadline to obtain commitments and construction financing to move forward with Phase 1 construction of the C-51 Reservoir.

Mr. Cox outlined other deadlines in 2020:

- July 31st – Consumptive use permits need to be completed
- August 31st – Construction financing closes
- September 22nd – Completion date including operational testing

He added that everyone is working very hard to meet these schedules so the project can come online in that time period.

In response to the Chair, Mr. Cox clarified that if Miami-Dade signed on while other utilities were still interested it would be possible to allocate some capacity from Phase 2, even though Phase 2 was predominantly planned for environmental needs.

The Chair thanked Mr. Cox for his update.

Sanitary Sewer Ordinance

Dr. Jennifer Jurado, Director and Chief Resilience Officer, Broward Environmental Planning

Jennifer Jurado suggested that Michael Owens, County Attorney's Office, speak on the subject.

In response to the Chair, Mr. Owens informed that his office is drafting a replacement for the straight repeal for the rural ranches/rural estates provision to propose that there be grandfathering of existing rural ranches and rural estates properties. He added that it should help at least one hardship case in Southwest Ranches and ease concern for property owners in a few other jurisdictions here locally.

In response to the Chair, Mr. Owens remarked on the present administration's recent rule action that would repeal what was termed the Waters of the U.S. Rule passed during the previous administration. This rule will limit the geographic area around the waters of the U.S., limit the meaning of the term, and constrict federal protection of some waterbodies. It is proposed to take affect in approximately 60 days.

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Discussion then went back to the ability to voluntarily hook into Southwest Ranches' system and whether there is sufficient capacity to do so.

In response to Vice Mayor Starkey, Mike Bailey, Utility Director for Cooper City, informed that his city has revised its ordinance and proposed service area so that people outside of the city but adjacent to an existing Cooper City water main can obtain water from the city. He clarified that he is not proposing building new lines to provide additional service, just accommodating those who are adjacent to existing lines of service. He added there is no wastewater infrastructure outside of the city to accommodate wastewater service.

In response to Mayor Ross, Mr. Owens informed that the League of Cities requested his office to review two current draft ordinances at their February meeting. The ordinances would potentially ensure that input can be at least considered and potentially reflected in these drafts. Then it would be brought to the Commission to set the Public Hearing date, anticipating early March.

Commissioner Ryan entered the meeting at this time.

The Chair asked the board members representing the League of Cities if they want to put this item on the Commission agenda as soon as possible to accommodate two Southwest Ranches homeowners by grandfathering their existing rural ranches/rural estates properties. The other option is to take the item to the League of Cities first which would take more time.

Discussion continued voicing concerns over isolating one area over another, some homeowners being treated differently than others, the appearance of selective enforcement, fairness, etc. The Chair reminded that the topic was debated at the last two meetings. Although controversial, the board did adopt it.

The Chair clarified that today the only issue is an amendment that was designed specifically because there is currently a rural ranches exemption that we are eliminating. All the amendment is saying is that if a homeowner voluntarily chooses to go and pay for an adjacent city or adjacent water provider to extend their lines, that we're not requiring every other homeowner along that area to connect.

In conclusion, the Chair reminded that the members are not voting on this, it is just an update requesting those commissioners representing the League of Cities to choose to either move forward now prior to the League of Cities scheduled workshop on this or afterwards.

The Chair requested if any members were opposed to his request. No member objected.

Mr. Owens agreed to distribute copies to the League of Cities and the members. The Chair ensured that sufficient notice as to when the final ordinance goes before the County Commission will be provided. Notice of Public Hearing will also be provided. Anyone with any objections to any portion of the ordinance will be able to voice their concerns to the County Commission. The County Commission would require a super majority to reject it.

In response to Mr. Bergeron, Mr. Owens explained that the ranches/rural estates is an existing land use designation not for just anyone anywhere necessarily in the County. It is specific to properties where those designations apply that are an acre or greater.

Seawall Ordinance

Dr. Jennifer Jurado, Director and Chief Resilience Officer, Broward Environmental Planning

Dr. Jurado reminded that this board has already endorsed the ordinance relating to the tidal barriers to the County Commission for consideration. In the meantime, the County Commission has adopted the land use amendment as part of the County's Comprehensive Plan that will require tidally-influenced cities adopt an implementing ordinance relating to these tidal barriers within 2 years of adoption. She explained that the County is now proceeding with the code amendment that will address our own areas of responsibility and is intended to serve as a model for the cities.

Dr. Jurado acknowledged and read aloud the text pertaining to the real estate disclosure requested by the Chair to be inserted into the ordinance. The Chair stressed that full disclosure language is important. Mr. Owens informed that Miami-Dade County has adopted language substantially similar to this for flood hazard areas for their real estate disclosure.

Dr. Jurado informed that her staff is working actively with DOT to map the elevations of the seawalls and tidal shores in these same areas. She added that her staff is finalizing a real estate brochure to educate realtors about the requirement, and presentations are being conducted at cities' and homeowners' associations.

In response to the Chair, Dr. Jurado explained that the Florida Inland Navigation District (FIND) could provide funding at 50% cost-share for projects in waterways identified necessary for stabilizing shorelines.

In response to Commissioner Ryan, Mr. Owens assured that the possible consequences arising from non-disclosure situations will be addressed prior to the Commission meeting of March 10th.

Vice Mayor expressed the importance of educating the builders, architects, engineers, contractors, etc. as well. Dr. Jurado responded that several industry workshops were conducted and are ongoing.

In response to Commissioner Lonergan, Dr. Jurado answered that the disclosure disclosing if a property resides in a tidally-influence area is the 1st sentence they will see in a contract. This update is only prepared for this meeting.

The Chair thanked Dr. Jurado and Mr. Owens for the update.

Blue-Green Algae Task Force Update

Dr. Evelyn Gaiser, Endowed George Barley Eminent Scholars Chair, Professor Biological Sciences; Institute of Water and Environment, Florida International University

Dr. Gaiser explained that Blue-Green Algae Task Force is an advisory body appointed by Governor DeSantis to aid the Department of Environmental Protection in enforcing its

environmental laws. Its goal is to provide guidance and recommendations to improve and restore Florida's water bodies that have been adversely affected by blue-green algae blooms. She emphasized that all the information is available to everyone and referred to the website.

Referring to her hand-out, Dr. Gaiser summarized the main sources of nutrients that need to be addressed; agricultural operations, wastewater treatment plants, onsite sewage disposal systems, urban storm water runoff, etc. After reviewing the sources, the task force agreed on eight areas of recommendations that was approved by Governor DeSantis. The Governor authorized a bill on Wednesday, January 22nd, on these recommendations. She has requested a summary of the bill to distribute to the members.

Dr. Gaiser outlined the eight recommendation areas and discussed in detail:

- Basin Management Action Plans
- Agricultural and Best Management Practices
- Human Waste – Onsite Sewage Treatment and Disposal Systems
- Human Waste – Sanitary Sewage Overflows
- Stormwater Treatment Systems
- Innovative Technologies and Applications
- Blue-Green Algae Blooms and Public Health
- Science-based Decision Making, Data Needs and Monitoring Programs

In conclusion, Dr. Gaiser explained the next steps:

- Next Focus – Advancing scientific approaches to harmful algal bloom detection, prediction and remediation, best approaches for reclaimed water re-use
- Clean Waterways Act – Fines double for sewer leaks, septic oversight shifts DOH to DEP, updated management of biosolids, monitoring program, DACS inspections, funding wastewater grant program
- Next meeting – Scheduled for March 16th

The Chair thanked Dr. Gaiser for her update. A question and answer period followed.

In response to Mayor Welch, Dr. Gaiser explained that the Clean Water Act is a bill adopting all the recommendations that was accepted by the Governor, now in the process of being funded and implemented. She hopes to have a summary soon to circulate to the members.

In response to Commissioner Biederman, Dr. Gaiser answered the language in the bill is really proactive with significant investment associated with it, but she was not sure if funding would be identified for this year or the next.

The Chair remarked that the House Speaker Designate advised that a lot of water issues in South Florida, particularly sewer and outfall, are not regarded as state issues, but local government water issues.

Mr. Bergeron complimented Dr. Gaiser and the Task Force expressing his enthusiasm on their efforts.

In the interest of time, the Chair requested any additional questions be forwarded to Dr. Gaiser or Dr. Jurado after meeting.

Flood Mapping Efforts: FEMA Coastal Flood Risk Study

Carlos Adoriso, Engineering Supervisor, Broward County Environmental Engineering and Permitting Division

Carlos Adoriso provided some background information on the FEMA FIRM (Flood Insurance Rate Map) maps. FEMA Region IV coastal risk studies include Palm Beach, Broward, Miami-Dade, and Monroe counties. Broward County's scope involves 25 miles of shoreline and 28 out of 31 communities, and 66 panels out of 79. The last update was in August 18, 2014 using information from the 1980's coastal flooding analysis (storm surge and wave action). Because the current study is based on outdated hurricane modeling and topographic data, the coastal flood risk study is being updated. Now there is better data, GIS, LIDAR, and altimetry, all modeling tools have improved.

He outlined the basic elements of a coastal flood risk study. Base Flood Elevations (BFE's) of FIRM include 4 components:

- Storm surge Stillwater elevation (SWEL)
- Amount of wave setup
- Wave height above storm surge (SWEL) elevation
- Wave runup above storm surge elevation (where present)

Referring to various graphs in his hand-out, he compared the current study to the newest data used in the new study using LIDAR and Bathymetric Data. After reviewing many historical storms, 5 storms were selected to validate the hurricane/surge model:

- Hurricane Betsy (1965)
- Hurricane David (1979)
- Hurricane Andrew (1992)
- Hurricane George (1998)
- Hurricane Wilma (2005)

Mr. Adoriso referred to maps and photos in his hand-out depicting storm surge results and various statistics and calculations on overland wave analysis. The benefits included in these changes to the last FIRM will help communities understand changes to flood maps, identify areas of flooding increases and decreases and zone changes, and also identify structures and parcels that are at risk. He referred to his maps illustrating those changes.

He referred to the current map vs. the preliminary map. He then referred to two charts by community and commission district respectively depicting the number of properties affected by preliminary map changes.

In response to the Chair, Mr. Adoriso answered that about 65,000 properties have been impacted. The charts reflect those properties added to a flood zone that now need insurance and those that were removed from a flood zone so insurance is not needed.

He informed that the County now has an interactive map where addresses can be input illustrating current and preliminary flood zone status, and he provided the website address.

He also provided the next schedule of open house public meetings and one by invitation:

- February 3, 2020 – Open House (public) Pembroke Pines (4-7 pm)
- February 5, 2020 - CCO Meeting (invitation) Plantation (3-5 pm)
- February 6, 2020 – Open House (public) Pompano Beach (9-12 Noon)
Open House (public) Hollywood (4-7 pm)

In conclusion, Mr. Adorasio explained there is a 90-day appeal period (2020). Letters of final determination are then issued (2020/2021). FIRMS and FIS Reports are issued (2020/2021). Resilience meetings are held (2021), and FIRMS and FIS Reports become effective (2021).

The Chair inquired if the members would agree on extending the meeting another ten minutes. The members agreed.

Mr. Bergeron informed he has received numerous calls from different cities in western Broward expressing their concern on the flood zone map changes. He remarked that communication about infrastructure is needed between the drainage districts. Mr. Adorasio responded that he has been in contact with FEMA regarding issues that have not been accounted for and has requested further analysis from them.

Dr. Jurado informed that the Corps is researching into making dunes eligible for federal cost-share funding in their own study. FEMA was provided details of our current conditions modeling. Mr. Adorasio commented on the importance of dunes because many properties along the coastline are being removed from the flood plain because of dunes.

In response to Vice Mayor Starkey, Dr. Jurado clarified that when the map was adopted in 2014, 60% of our parcels that had been in the flood map fell out of the flood zone. Now they are coming back in; however, they may have been in before 2014 and were temporarily removed.

Lake Okeechobee Water Levels: 01/02/2020: 13.16; 1 month ago: 13.07; 1 Yr Ago: 12.67 ft-NGVD

Next Scheduled Joint WAB/TAC Meeting – March 13, 2020 (to be rescheduled)

Next Scheduled TAC Meeting – February 21, 2020

The Chair emphasized that the next board meeting will be rescheduled.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 12:07 pm.

Chair Geller responded they're currently being treated differently because there's an exemption in the rural ranches in the code and we're trying to eliminate that exemption.

Debated this topic at the last 2 meetings. We adopted it it was controversial, but it was adopted. Only issue today is an amendment that was designed specifically because there is currently called the rural ranches exemption that we are eliminating.

Chair Geller REMINDER OF 2 THINGS - #1 the city has to have the capacity or the water has to have the capacity in place for any of this to occur. requiring every other homeowner along that area to connect.

Chair Geller clarified that the amendment as part of this ordinance eliminates the rural ranches
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exemption, which is currently in the Broward County code that says in the rural ranches they don't have to do anything to water and sewer.

It never occurred to us that individuals would have the resources to pay to have their own water and sewer installed from adjacent cities. We are trying to ensure that when that occurs that we're not requiring the property owners.