

MINUTES

WATER ADVISORY BOARD AND TECHNICAL ADVISORY COMMITTEE

JOINT MEETING

May 10, 2019

WAB MEMBERS PRESENT: Commissioner Steve Geller, Broward County Board of County Commissioners, Chair
Commissioner Tim Loneragan, City of Oakland Park
Council Member Susan Starkey, Town of Davie
Mayor Sandy Welch, City of Coconut Creek
Commissioner Tim Ryan, Broward County Board of County Commissioners
Albert Carbon, TAC Chair
Commissioner Doug Bell, CBWCD Board of Commissioners
Mayor Greg Ross, South Florida Regional Planning Council
Mark Peterson, Greater Fort Lauderdale Alliance
Commissioner Richard Blattner, Alternate, City of Hollywood
Pete Kwiatkowski, Alternate, South Florida Water Management District
Jack McCluskey, Alternate, SBDD Board of Commissioners

WAB MEMBERS ABSENT: Commissioner Kevin Biederman, City of Hollywood
Commissioner Wayne Messam, City of Miramar
Mayor Ken Thurston, City of Lauderhill
Vice Mayor Tom Good, Pembroke Pines
Michele R. Clawson
Neil Kerch, Alternate, City of Sunrise
Mayor Frank Ortis, Alternate, City of Pembroke Pines
Commissioner Dan Daley, Alternate, City of Fort Lauderdale
Mayor Dean Trantalis, Alternate, City of Fort Lauderdale
Mayor Michelle Gomez, Alternate, City of Tamarac
Commissioner Barry Moss, City of Pompano Beach

TAC MEMBERS PRESENT: Albert Carbon, Chair
Luis Ochoa for Kevin Hart, Co-Chair
Harold Aiken
Doug Bell
Randy Brown
Mark Collins
Constance Ruppender for Mike Crowley
Enrique Vadiveloo for Patrick Davis
Andrew Dietz for Sara Forelle
Rafael Frias
Kevin Carter for Alan Garcia
Barry Heimlich
Jennifer Jurado
Pete Kwiatkowski
Jose Lopez
Cindy Griffin for Lisa Milenkovich
Renuka Mohammed
Tim Welch

TAC Talal Abi-Karam
MEMBERS Mike Bailey
ABSENT: Ron Eyma
Steve Holmes
Garrett McAllister
Pat O'Quinn
Stephanie Pearson

Also Present: Lorraine Mayers, Regional Representative, South Florida Water Management District
Carolina Maran, Water Resources Manager, Broward County EPCRD
Lenny Vialpando, Deputy Director, Broward County EPGMD
Jason Liechty, Environmental Projects Coordinator, Broward County EPCRD
Michael Owens, Broward County Attorney's Office
Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council
Sangeeta Dhulashia, Stantec Corporation
Susan Juncosa, Natural Resources Specialist, Broward Water WMD
Shana Coombs, Project Manager, City of Pompano Beach
Jessica Ward
Nancy Cavender, The Laws Group

A joint meeting of the Broward County Water Advisory Board and Technical Advisory Committee was held at Broward County Governmental Center, 115 South Andrews Avenue, Room 430, Fort Lauderdale, FL 33301 at 10:05 am.

(The WAB/TAC meeting minutes were summarized by Norma Ellison, Administrative Specialist, Broward County EPCRD. Copies of the presentations, as well as the Sign-In Sheet, 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.

Roll Call – Technical Advisory Committee (TAC)

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

Public Comments

None

WAB Approval of Minutes from March 29, 2019

On Motion of Mayor Ross, seconded by Mayor Welch an unanimously carried, the Board approved the Joint WAB/TAC Meeting Minutes from March 29, 2018.

PRESENTATIONS

Water ReUse Proclamation

Commissioner Steve Geller, Broward County

Presented to Lorraine Mayers, Regional Representative, South Florida Water Management District

The Chair presented and read aloud a proclamation to Lorraine Mayers in recognition of WaterReuse Week. Ms. Mayers expressed her appreciation and complimented Broward County for the great job it accomplishes with conservation outreach and education.

2019 IWRP Grants Recommendations

Dr. Carolina Maran, P.E., Water Resources Manager, Broward County EPCRD

Dr. Maran provided a history of the various partners and their respective monetary grant awards they received for projects from 2006 thru 2018. The Integrated Water Resources Plan (IWRP) Grants funded county-wide projects for feasibility design and most recently construction in 2017. A total contribution of \$2.3 million has supported projects for the Floridan aquifer, C-51 Reservoir, reuse, reclaimed water supply, and concentrate treatment. She displayed the projects in several different ways; i.e. map, graph, and pie versions. They depicted how reuse accounts for approximately 70% funding, and how it also supports ocean outfall legislation in addition to aquifer recharge and saltwater abatement.

Dr. Maran informed that 7 applications had been received; 3 for feasibility and design, and 4 for construction. Her maps depicted that the applications came from 6 different cities; Deerfield Beach, Pompano Beach, Sunrise, Plantation, Davie, and Hollywood.

She described in detail each city's respective projects as follows:

- Deerfield Beach – Reclaimed water distribution feasibility and design
- Plantation – Reclaimed water program expansion feasibility and design
- Davie – Pine Island-Bamford Park reclaimed water project feasibility and design
- Pompano Beach – Distribution expansion pipeline extension construction project
- Sunrise – Golf and country club reuse pipeline extension construction
- Davie – Pine Island-Bamford Park reclaimed water construction project
- Broward County Park – Topeekeege Yungee Park reclaimed water construction

Dr. Maran outlined the grant selection criteria for both feasibility analysis and design and for construction. She outlined the respective monetary recommendations for each of the feasibility analysis and design projects in Deerfield Beach, Davie, and Plantation, which totaled \$187,500.00. She then outlined the next steps timeline for them, from TAC endorsement to project commencement in October 2019.

She then outlined the respective monetary recommendations for each construction project in Pompano Beach, Sunrise, Davie, and Broward County Parks, pending capital budget approval for \$300,000.00 each. She outlined the next steps timeline for them, from TAC endorsement to project commencement in December 2019/January 2020.

The Chair thanked Dr. Maran for her report. He then acknowledged the presence of Commissioner Ryan, as well as Isabel Cosio, Executive Director South Florida Regional Planning Council; and Michael Owens, Water Advisory Board Staff Attorney.

In response to the Chair's inquiry regarding funding sources, Dr. Maran clarified that the 50% cost-share is with the local government entity or the municipality. She answered that some of the projects receive state funding. The Chair responded that the projects that have state funding need to be prioritized as the County does not currently have sufficient funding for the construction projects. He then acknowledged the presence of Francois Domond, Interim Utility Director for City of Hollywood. The Chair requested Mr. Domond to reorder and prioritize the Broward County TY Park project first over the Pompano Beach project.

On Motion of Commissioner Blattner, seconded by Council Member Starkey, the Broward County Parks project was ranked first.

Mayor Ross made a Motion to approve the recommendation for funding of the projects as amended, outlined in Dr. Maran's presentation. Mayor Welch seconded Mayor Ross's Motion. The Chair inquired if there were any more discussion on this topic.

Dr. Jurado clarified that TY Park project's cost-share is from an IWRP grant capital request. After some discussion, the Chair responded that the County's Budget Workshop is scheduled for May 14th, next Tuesday. He ensured that the County will be establishing its budgets over the next few months for projects like these. Commissioner Ryan added that the prospects for funding are very strong.

In response to Council Member Starkey, Dr. Jurado responded that the rankings were based strictly on criteria. Council Member Starkey expressed her appreciation for the forward-thinking projects utilizing reuse for servicing residential homes.

On Motion of Mayor Ross, seconded by Mayor Welch and unanimously carried, the Board approved the recommendation to approve funding for the 4 construction and 3 feasibility projects as amended.

The Chair thanked Dr. Maran for her report.

Septic Tank Ordinance Update

Lenny Vialpando, Deputy Director, Broward County EPGMD

The Chair recalled the extensive debate from the last Board meeting in March regarding the septic tank issue in Broward. He requested Mr. Vialpando and Mr. Owens to provide clarification and respond to questions on this issue.

Mr. Vialpando recapped that at the last Board meeting, the Chair had requested some draft code amendments be drawn up regarding exemption of rural ranches/estates and areas that do not connect. He explained that the draft code amendments simplify the process by letting the municipalities handle through their respective code enforcement processes.

The Chair reminded that no voting will take place today. He reinforced that the next action item on this will be at the next County Commission meeting where he has placed an agenda item to direct the County Attorney to draft an ordinance. He encouraged the members to discuss the issue with their respective municipalities. He anticipated that a vote on the proposed ordinance to recommend to the County Commission would happen at the September board meeting.

In response to the Chair's request; Mr. Vialpando summarized that the rural ranches/estates exemption is being eliminated, connection of existing development to newly constructed adjacent sewer lines are required within 180 days, and new development within ¼ miles of existing sewer lines must connect.

Council Member Starkey expressed her support for the process but raised her concern it may be an unfunded mandate on the municipalities. She stated she would be discussing at the next League of Cities meeting.

The Chair recapped that at the last meeting in March, he had requested a report from the committee on current best practices and ...(Norma, please finish septic tank discussion.

Septic Tank Best Practices Report

Randy Brown, Utilities Director, City of Pompano Beach and Albert Carbon, Public Works Director, City of Oakland Park/TAC Chair

The Chair invited the gentlemen to provide the presentation.

Mr. Carbon indicated that the presentation was a follow up to Mr. Vialpando's discussion on best practices for septic and sewer connections and the request by the WAB to work with the TAC to report back to the WAB. He requested Mr. Brown to make the presentation. He indicated that the best practices framework starts with incentives for property owners to connect to new sewers; connection processes, fees, permits, and costs. It also

includes the possibility of grants, payment over time, connection timelines of what's expected, outreach, water quality impacts and sea level rise. He referenced the Florida Water Environment Association's Guidance Document prepared in 2018 and mentioned that it is an excellent and very extensive document which includes 11 Florida case studies including Broward and Boca. The study includes feasibility and cost considerations and technical requirements as well as an affordability index for setting customer rates. He indicated that Operation and Maintenance costs are often overlooked. The document includes a lot of information on customer incentives and funding including amortization, special sewer districts, developing in combination with other infrastructure improvements, creation of programs for customers that have financial needs, and waiving impact fees. Mr. Brown reiterated that some customers might need assistance.

Mr. Brown then went on to discuss some technical issues such as septic tank closure and abandonment and that all costs need to be accounted for and mentioned a study in Cobb County, Georgia. He then went on to discuss one of Broward County's programs which is a connection incentive program, first implemented in the Hillsboro Pines neighborhood and now starting in Broadview Park. Grant eligibility is coordinated with other County agencies, and if grants are not available, property owners may take advantage of payment within 60 days or payment over 5 years, both interest free.

Mr. Brown talked about the importance of involving elected officials that understand the septic-to-sewer transition, environmental impacts, and how the project supports regulatory requirements. He said public outreach is important to ensure they understand how the process makes sure the water is safe for the environment.

Mr. Carbon indicated that the TAC was proposing that the reference document be a living document, so as best practices are developed, it would be modified. He suggested that the document would not be part of the ordinance, but an attachment to it, updated as new information becomes available. It would be used by utilities and municipalities as a guide for moving from septic to sewer. He then invited questions.

The Chair requested a summary of whatever has been learned from each of the 11 case studies, highlighting what has worked and what problems have occurred. Mr. Carbon acknowledged the request. The Chair asked about any additional questions.

Mayor Welch mentioned the success of the Hillsboro Pines conversion and thought it should be continued throughout the city.

The Chair then recognized County Attorney Michael Owens. Mr. Owens indicated that at the September 13, 2019 meeting, it was stated that the WAB would consider both the best practices and the ordinance to recommend to the County Commission, or to vote on and forward to the County Commission. He requested clarification from the Chair if the intention was for the ordinance to come back to the WAB for review and recommendation prior to setting the Public Hearing. The Chair indicated that in order to ensure maximum input, he would like to have the item come back to the WAB for discussion. Mr. Owens indicated that if directed by the County Commission, his office would draft and bring an ordinance back.

C-51 Project and Legislative Update

Jason Liechty, Environmental Projects Coordinator, Environmental Planning and Community Resilience Division

Chair Geller introduced Mr. Liechty to provide an update on the status of legislation pertaining to the C-51 reservoir and some history along with a very quick overview of the legislative session as a whole.

Mr. Liechty began by recounting how the State Legislature two years ago had passed a comprehensive water bill, SB10 that created a section of statute pertaining to the C-51 Reservoir, defining the project and the two phases that are under discussion. It was one of the first bills to pass in 2017. The legislation included conditions for Phase II on how the SFWMD could acquire land for the project and potentially swap some land, eliminated the ability of the District to use eminent domain for the project, and conditions on the District's use of state funds. If state funds

were used for either phase, the District would operate the reservoir to maximize the reduction of Lake Okeechobee releases to the estuaries, any excess water beyond allocated amounts would be used for natural systems, and water from Lake Okeechobee would not be available for consumptive use permits. He discussed the appropriations in 2017 and 2018 and the loan program established for Phase II. In this legislative session, there were companion bills, House Bill 95 and Senate Bill 92, and House Bill 95 was passed. Some additional tweaks to the statute allowed the District to negotiate for any portion of the project that was not committed for water supply purposes, and reworded sections regarding operations to maximize reductions of discharges to the Lake Worth Lagoon, prioritizing water supply. There was some additional language added to clarify Phase I operations and funding. The Legislature approved the changes unanimously with exception of one no vote in the Senate. Mr. Liechty summarized that House Bill 95 clarified language and intent on issues involving water supply versus environmental benefits, Lake Okeechobee and Lake Worth Lagoon.

Chair Geller asked about clarification of commitments for Phase I and II and if Miami-Dade was officially on board to the point of eliminating the uncertainty about moving forward with the project. Dr. Jurado indicated that the participants had hoped the legislation would include or retain the provision that would allow the conversion of the loan to District participation, improving the chances for moving Phase II of the project. She indicated that the legislation did not address the immediate participation of entities in Phase I, but allows for District participation and future appropriation. Dr. Jurado indicated that Miami-Dade has a new utilities director and discussions are underway with SFWMD. Additionally, there is another stakeholder in Broward County that is considering the potential of 1-2 MGD participation.

Chair Geller recognized Commissioner Ryan. Commissioner Ryan requested an update on the status of whether Lake Okeechobee water will be directed to the C-51 Reservoir. Dr. Jurado clarified that while there needed to be a stated acknowledgement about ability to operate the project as part of a system that could potentially receive that water, but clarified that the C-51 project relies upon runoff from the C-51 basin. She acknowledged that as we develop storage and interconnections that the components can be operated together to achieve environmental benefits beyond just Lake Worth Lagoon. Commissioner Ryan asked for clarification whether Broward County could expand their consumptive use once the water is delivered to the County. Dr. Jurado clarified that that is still the primary objective for Phase I and noted that there is a utility in Palm Beach County does have a consumptive use permit that allows for water from Lake Okeechobee.

Commissioner Ryan asked for clarification on the position of SFWMD on funding. Mr. Kwiatowski indicated that they have a new Governing Board and policy would be developed moving forward. Commissioner Ryan mentioned that the new administration's environmental policies differ from the prior administration's so he was hopeful that there will be funding to facilitate SFWMD's role. He then asked for clarification on current commitments. Dr. Jurado indicated that the potential still exists for the District to become a partner in a later phase of the project and that current commitments are at 13 MGD and that there are still opportunities and needs by other municipalities in the County to participate.

There being no further discussion, the Chair asked Mr. Liechty to continue.

C2019 Legislative Update

Jason Liechty, Environmental Projects Coordinator, Environmental Planning and Community Resilience Division

The Chair asked Mr. Liechty for an overall legislative update. Mr. Liechty provided a Powerpoint presentation summarizing the session and indicated he would focus mostly on the budget and the Governor's Executive Order. He stated that the Governor called for \$2.5 billion over four years for Everglades and water resources protection. Key initiatives were setting up a Blue-Green Algae Task Force, getting the District to immediately start design for the EAA Reservoir, and creating an Office of Environmental Accountability and Transparency. Other initiatives including moving the enforcement unit for environmental crimes from FWC to DEP and creating an Office of Resilience and Coastal Protection. The Governor appointed a Chief Science Officer, Thomas Frazier, professor at University of Florida and DP is accepting applications for a Chief Resilience Officer for Florida.

Mr. Liechty then discussed the Governor's budget proposal, indicating that the budget was a little difficult to interpret, but Everglades restoration exceeded the requested amount. He highlighted that the Water Protection and Sustainability Trust Fund, which has not been funded for some time, can be used to support alternative water supply projects. The Legislature appropriated \$40 million for that program. They also appropriated \$50 million for beach nourishment and \$5.5 million for the Resilient Coastlines Program. A request for \$100 million for Florida Forever was reduced to one-third of that. Mr. Liechty concluded his presentation. Chair Geller asked if he could comment on the ban on fracking. Mr. Liechty indicated that while several versions were considered, the bill that moved allowed for matrix acidization, the type most commonly used in Florida in 97% of the activity. Both the environmental community and oil and gas industry were opposed so it ground to a halt.

Chair Geller asked for clarification about the Florida Forever Trust Fund and Mr. Liechty said it had passed through one of three committees and died. He added that there is still the lawsuit that the environmental community filed years ago to ensure that the funds are used on purchasing land as per a Constitutional amendment, and not administrative needs as has occurred. He concluded that the members should look for an updated version of the budget.

The Chair asked Mr. Owens for an update on the Kanter lawsuit. Mr. Owens summarized that the suit is about where Kanter challenged DEP a permit for exploratory oil well drilling in the Everglades, approximately five miles west of Miramar. The City and County intervened in support of DEP. The Administrative Law Judge recommended issuance of a permit. DEP maintained the position that it should deny and issued a final order. He continued with the specifics of the suit and indicated that Kanter still has to seek an amendment to its land use designation in the area, its zoning, and to apply for a variety of permits. To his knowledge, that has not yet happened.

Sea Wall Ordinance Update

Jennifer Jurado, Director and Chief Resilience Officer, Environmental Planning and Community Resilience Division

Chair Geller asked Dr. Jurado to discuss the ordinance and, if time, reference the Lake Okeechobee water levels. Dr. Jurado indicated they had circulated some additional backup information on the proposed text for the resilience standard for tidal flood protection, but it has not made its way through legal review yet. She mentioned a text change relating to public nuisance, with the inclusion of a definition. She further discussed the timeframe for requiring remedy and how enforcement would proceed. She indicated further review would be made and that while the process only addressed the Land Use Plan it would also need to concurrently be brought forward with a code amendment which would serve as basis or model for municipal adoption. She indicated that an item was submitted and advanced for June 4 to initiate our own code amendment process. She continued to discuss the issue of trespass, updating of datums, and the need for lease requirements. Dr. Jurado said they would receive comment through end of May, provide responses through June, and anticipate wrapping up the final recommendation and package for the Planning Council through July, and still requiring state review and response through October. She indicated that we would come back to the WAB in November and bringing to full Commission in December.

Chair Geller asked if Dr. Jurado or Mr. Owens viewed the timeline for moving forward. Dr. Jurado said it is similar to the septic tank item. Mr. Owens indicated the LPA meetings are necessary prior to coming back to the County Commission. Chair Geller called on Council Member Starkey who inquired whether there is a possibility for best management practices for seawalls as is being done with the septic ordinance. Dr. Jurado indicated that they can explore that, but believed there is less in the way of history in implementing a program like this with a collective standard as is the case in the septic ordinance. She also indicated that we are working on a communication for the real estate industry.

The Chair asked if there are any additional questions. Mr. Owens indicated that some of the questions raised about navigation, riprap, and sovereign submerged lands leases are things that are addressed routinely in environmental permitting or local licensing for projects like this. Environmental staff at the County and SFWMD are familiar with how to address standards.

The Chair asked if there were any other questions and that asked Dr. Jurado on the status of the lake and the proposals. Dr. Jurado indicated that the Army Corps is still receiving information and that EPCRD and WWS have submitted County comments. She then discusses a meeting with stakeholders in the Economic Resilience Workgroup that was attended by Colonel Kelly of the Army Corp and the new Executive Director of SFWMD. The group emphasized the importance of the central south Florida flood control system being reevaluated for future conditions and the needed collaboration on the project.

Chair Geller thanked Dr. Jurado and adjourned the meeting at 12:00 p.m.