

**APPROVED
MEETING SUMMARY
Green Industry Advisory Committee
Southwest Florida Water Management District
May 27, 2010**

The Green Industry Advisory Committee (GIAC) of the Southwest Florida Water Management District convened for a regular meeting at 9:05 a.m., May 27, 2010, at the Tampa Service Office, 7601 Highway 301 North, Tampa, Florida.

Committee Members Present

George Cook, Chair, FL Golf Course Supt. Assoc.
John Miragliotta, FL Irrigation Society
Brad Suder, FL Recreation & Parks Association
Travis Council - FL Sod Growers Coop., Inc.
Jack Tichenor, IFAS/Manatee County Extension Office
Tom Burish, Landscape Maintenance Association

Committee Members Absent

Celia Nichols, American Society of Landscape Architects
K.C. Fisher, Associated Landscape Contractors of America
Richard Carroll, FNGLA
Corrine Olvey, FL Cemetery, Funeral & Cremation Assoc.
George Kish, FL Native Plant Society, Suncoast Chapter

Staff Members Present

Lou Kavouras
Alba Más
Roy Mazur
Michael Molligan
Veronica Craw
Lois Sorensen
Susan Douglas
Carrie Felice
Sommer Hess

Recording Secretary

Joanne McClellan

Governing Board Member Present

Hugh Gramling

Approved summary from previous meetings can be found on the District's Web site (www.WaterMatters.org).

The numbers preceding the items below correspond to the order of presentation.

1. Call to Order and Introductions

Chair George Cook called the meeting to order. He welcomed members, staff, and interested persons and requested member introductions.

2. Additions and Deletions to the Agenda

There were no additions or deletions.

3. Approval of the November 5, 2009 Meeting Summary

It was moved and seconded to accept the meeting summary and it was approved unanimously.

4. Election of Chair and Vice Chair

Lou Kavouras stated that the current Governing Board policy limits the chairs term to two consecutive one year terms. Chair George Cook has extended beyond his term and Lou stated appreciation for his leadership on the committee. Corrine Olvey is the current Vice Chair and was nominated in absentia as Chair and was unanimously voted to be Chair. Travis Council was nominated as Vice Chair and was unanimously voted to be Vice Chair.

Governing Board Requests for Input/Comment

5. Hydrologic Conditions and Water Shortage Plan Update

Lois Sorensen provided an overview that indicated a surplus of rainfall in the short term, but that we are still recovering from a long term rainfall deficit. Lakes are below normal. Ground water is well within the upper normal range of fluctuation. River flows are within normal range but are being closely monitored. Public supply in reservoirs is good. The precipitation forecast is fluctuating—the three-month outlook is wet, but looking out to a longer forecast rainfall will be below normal in the fall. The next decision point for the Governing Board is at their June meeting and the committee was asked to provide input. Ms. Sorensen explained the Governing Board extended the Modified Phase II water shortage order to the end of June and changed the pressure washing provision to once-a-year any reason. **It was moved and seconded to recommend to the Governing Board that the Modified Phase II lapse and the motion passed unanimously.** The Water Shortage Plan rulemaking has been ongoing for several months. Focus group meetings and public workshops were held, and written comments to a “staff alternative” draft have been included in a revised draft to be available by mid-June. Compared to the “staff alternative”, the revised draft would keep the seasonal once-a-week that is in the current Phase II rule. The rule is planned to go to the

Governing Board at their August meeting for their consideration. Input was requested as to whether the committee believes the rule will help decide what to do in the future—science-based and reflecting current information. Lou Kavouras stated that the draft of the Water Shortage Plan will be distributed for comment. Hugh Gramling stated the committee should not underestimate the willingness of the Governing Board to listen to the advice of the advisory committees. The committees are important in the process and the Governing Board puts credence in the recommendations from all the advisories. Ms. Kavouras stated that there is strength in a unified recommendation from the committee. It was suggested and agreed to that the GIAC meet again in July after receiving the draft Water Shortage Plan in June. This schedule would allow staff sufficient time to incorporate suggestions that can then go to the Governing Board in August. Lois stated that she will email a “cheat sheet” for review that is specific to the lawn and landscape provisions that summarizes what the current adopted rule says and how that would change.

6. Rulemaking Update

- Expanding areas in the Dover/Plant City area where new well construction standards will be in place
- Pursuing rulemaking to codify the frost/freeze well mitigation activities when determined
- Water Shortage Plan Amendments
- Minimum Flows and Levels on the following rivers: Anclote, Chassahowitzka, Little Manatee, Lower Myakka, Manatee, Lower Peace and Shell Creek
- Other rulemaking activities will be updated via email

Information Items

7. Frost/Freeze Event Update

Alba Más provided an overview of the past freeze event and discussed the increased number of well complaints. The number of well complaints led to a change in the process to try to more fairly assign well investigation and responsibility to the permittees and to see if there was any way to prevent these impacts to wells in the area. In February 2010, the Governing Board issued an emergency order to use funds to fix some of the wells that were wells that fell outside permittees mitigation area and had no water. A group of invitees representing the agriculture industry, Hillsborough County, City of Plant City, citizens in the area, and a panel of technical experts from DEP, FDACS, and others were asked to participate in a workshop held in February in Plant City. Input was received with the majority discussing sinkholes in the Plant City/Dover area. The panel focused on several items to be addressed such as funding, developing a cap, a voluntary rollback over a ten-year basis to reduce the amount of crop protection quantities through the FARMS program, and allocation of well responsibility. There are ongoing work group discussions and required rulemaking is moving forward to have processes in place prior to another freeze event. In September another workshop is planned to advise the public of what has occurred since meeting in February.

8. HOA Outreach on SB2080/Landscape Requirements

Michael Molligan provided information concerning a component of SB2080 having to do with Homeowner's Associations (HOA). The bill defined Florida-Friendly Landscaping (FFL), removed the word “Xeriscape”, and made a previous law retroactive to include existing, not just new, Homeowners' Associations. Under the law, HOAs may not require: water-wasting practices; inappropriate placement of plants; improper use of fertilizers and pesticides; and violation of water management district water use restrictions. Also, under the law, HOAs may not prohibit: reasonable use of mulch; plants attractive to wildlife; right plant/right place; rain gardens, composting bins, rain barrels, and waterfront buffers. The law does not invalidate HOA architectural control or landscaping committees and prohibit reasonable limits. What the District recommends to HOAs is to reduce areas of high volume irrigation and reduce risk of litigation by being flexible as possible, working toward common interests, and using available resources, such as the Florida Yards and Neighborhoods program and model covenants. It was suggested that District recommendations include additional focus placed on the HOA practices and not just the homeowner.

9. Florida Water Star Gold

Susan Douglas provided an update of the Florida Water Star (FWS) program explaining that this is a voluntary certification program for builders and developers and has expanded. It has landscaping, irrigation and indoor criteria and is specific to the need for water conservation in Florida. The program is better than code and consistent with statutes and ordinances. There are 49 "gold" certified "green" homes in the counties of Polk, Sarasota, Hernando, Hillsborough, Pinellas, and Pasco. Items seen consistently during inspections to certify homes are high efficiency faucets and showerheads, WaterSense toilets, Energy Star appliances, micro irrigation in beds, and right plant/right place. Also, being used are cisterns, rain chains, recirculation systems for hot water, centrally located hot water tanks, greywater reuse systems, and preserved soils. There was discussion of Florida Water Star Commercial and Institutional property in Lakeland that will have a celebratory event on August 20. In the Commercial and Institutional program for Water Star, the building owner must agree to allow the District to monitor their water usage for a year. Florida Water Star Retrofit is in pilot testing and is for existing homeowners to change to water saving devices and learn to operate their irrigation system. Building Communities is another part of the Water Star program. These communities located in Wimauma and Dade City are building homes to Water Star standards. Education and outreach is ongoing in counties that have requested FWS certifier training for building officials, FWS landscape/irrigation design training, and continuing education classes for plumbing, heating, and cooling contractors.

10. Numeric Water Quality Standards for Nutrients

Veronica Craw provided an update on the Establishment of Numeric Nutrient Standards as proposed by the Environmental Protection Agency. This rule came about when EPA was sued by several environmental groups in August 2008. That lawsuit was settled with the signing of a Consent Decree between EPA and those environmental groups. That Consent Decree set out the following timeline: EPA is to establish draft numeric criteria in the State of Florida for fresh water lakes, streams, and springs by January 2010 and those numbers are to be finalized by October 2010. This is to be followed by January 2011 with the draft publication of estuarine and coastal criteria and those numbers to be finalized by October 2011. EPA held public hearings in February and April in several cities throughout the State for public comment from agency representatives, as well as the general public. The official public comment for this draft rule closed April 28, 2010. There were concerns raised concerning the technical approach, the prohibitive cost of implementation, cost estimates in the rule were underestimated, and it would provide a competitive disadvantage to businesses in Florida to come into compliance. There were statements regarding the scientific inappropriateness of the rule -- parts were inapplicable based on models used, there was no response relationship shown between nutrients and the environment, and there was insufficient peer review.

EPA stated they will delay the final promulgation of the Downstream Protective Values (DPV's) until January 2011 and will address it with the 2011 estuary and coastal rulemaking process and that will be open to public review at that time. EPA will seek additional third party review for DPV's and will consult with DEP when that is done. EPA did have their own independent science advisory board review their approach for setting this draft rule and found that EPA is using statistics and not a cause and effect relationship to set these numbers and that the statistics are not biologically relevant and do not prove a cause and effect relationship.

The potential impact that this proposed rule may have statewide is that 90% of all waters will not meet standards for nutrients and 80% of "pristine" waters will not meet the standards.

District staff is attending EPA public meetings and DEP Technical Advisory Committee meetings and is working with DEP and NEP's to develop scientifically sound estuarine targets. District comments to EPA on the freshwater rule are available at <http://www.swfwmd.state.fl.us/documents/numeric-nutrient/>. The rule is draft and subject to change. The final version is to be published October 15, 2010 for the freshwater portion. It was asked if there is a graphic showing waterways that are not impaired and Veronica will check on that.

11. 2010 Regional Water Supply Plan

Roy Mazur provided an overview of the Regional Water Supply Plan (RWSP) that is consistent with Statutory Requirements and DEP Guidelines. This plan is put together every five years for areas where it is expected that 20-year demand will overcome supply. The northern area of the District is an area where demand is not expected to overcome supply, but to prevent that from happening through long-term planning. The three major areas within the plan are demand projections from all categories, a catalog of potential water supply sources and projects, and discussion of potential funding mechanisms for the water supply projects. Existing current long-term plans from Tampa Bay Water, Polk County, Withlacoochee Regional Water Supply Authority, and Peace River Manasota Water Supply Authority, as well as the District's demand projects along with local government issues were incorporated in the RWSP. Conservation and reuse planning was a result of ongoing programs and discussions with local government partners. The restoration planning came from staff working with minimum flows and levels and hydrogeology. The only statutory requirement the Water Supply Plan triggers is upon local governments to produce a 10-Year Water Supply Work Plan that is to be adopted into their Comprehensive Plan. To assist local governments, projects listed in the RWSP can be used to create their Work Plan. The District has also created a *Community Sheet* to be mailed to local governments with data needed to create the 10-Year Water Supply Work Plan. The RWSP is open for review on the District's website and is available for comment online. Comments are encouraged and are due by July 16, 2010.

12. Water Use Condition Date—Permit Information Center (PIC) Update

Sommer Hess discussed the Permit Information Center (PIC) that is an on-line for entry of water use permit condition data and it accepts meter reading, pumpage, water lever, water quality, crop protection, crop reporting and rainfall. This system was developed because the previous system was based on old technology that is no longer supported. The new technology will allow more functionality and better access to data. With PIC issues did arise and resolutions were devised to address those issues. In the future the District will continue to offer training to the public on the use of PIC and also refine the system with enhancements requested by the public.

13. Rulemaking Process Overview

Carrie Felice provided a brief overview of the District's rulemaking process. The best case scenario for the process when no workshops are necessary and there are no hearings or SERC requested is 65 days from the time staff asks the Governing Board for authorization to initiate rulemaking to the effective date of the rule. More often, for more complex rulemaking, many factors could cause the length of the rulemaking process to vary up to a year or more. These factors include: public workshops as necessary; public hearing before the Governing Board or a DOAH hearing is requested; a SERC is requested; and JAPC comments that require publication of Notice of Change.

14. Development of Agenda Topics for the August 26, 2010 Meeting

- Update to Frost/Freeze Event
- Update to Numeric Nutrient Criteria
- Special Meeting in July to discuss the draft Water Shortage Plan specific to the lawn and landscape provisions

15. Announcements and Other Business

Lou Kavouras stated that at the May Governing Board meeting, a new slate of officers was elected: Ronald Oakley, Chair; Hugh Gramling, Vice Chair; Paul Senft, Secretary; and Douglas Tharp, Treasurer.

16. Adjournment

There being no further discussions, the meeting was adjourned at 11:48 a.m.