

**APPROVED  
JOINT MEETING SUMMARY  
Industrial Advisory Committee  
and  
Public Supply Advisory Committee  
Southwest Florida Water Management District  
January 12, 2010**

The Industrial Advisory Committee (IAC) and the Public Supply Advisory Committee (PSAC) of the Southwest Florida Water Management District convened for a regular meeting at 9:04 a.m., January 12, 2010, at the Tampa Service Office, 7601 Highway 301 North, Tampa, Florida.

**Committee Members Present**

**IAC**

Stefan Katzaras, Chair, CF Industries  
Fred Crabill, Vice-Ch., SE Env. Solutions, Inc.  
Denise Corrales, CEMEX  
Jeff Stewart, Mosaic Fertilizer LLC  
Patricia West, Progress Energy Florida  
Robert Yarbrough, Seminole Elec. Coop., Inc.  
Marc Hurst, Standard Sand & Silica  
Terry Eastley, Tampa Electric Company

**PSAC**

Warren Hogg, Vice-Ch., Tampa Bay Water  
Jeff Harris, Pasco County Utilities  
Keith McGurn, City of Bradenton  
Gary Ross, City of Lakeland Utilities  
Cindi Mick, City of North Port Utilities  
Steve Adams, City of Punta Gorda  
Richard Voakes, City of St. Petersburg  
Phoenix McKinney, City of Tampa Water Dept.  
Bob Robertson, City of Tarpon Springs  
Alys Brockway, Hernando County Utilities  
Norm Davis, Hillsborough County Water Res.  
Vicky Zimarino, Manatee County Utilities  
Todd Petrie, Marion County Utilities  
Rich McLean, Pinellas County Utilities  
William Beasley, Polk Co Utilities/Env.Res.  
Christopher Cole, Sarasota County Utilities

**Committee Members Absent**

**IAC**

Denver Phares, US Agri-Chemicals Corp.

**PSAC**

Frank Coughenour, City of Plant City  
Robert Knight, Citrus County  
Chris Rogers, DeSoto County Utilities  
Randy Schommer, On Top of the World Util.  
Ray Pilon, PR/MRWSA  
Trey Arnett, The Villages

**Governing Board Members Present**

Jennifer Closshey, IAC Governing Bd. Liaison  
Paul Senft, PSAC Governing Bd. Liaison

**Staff Members Present**

Lou Kavouras  
Ross Morton  
David Rathke  
Eric Sutton  
Eric DeHaven  
Gordon McClung  
Kathy Scott  
Ron Cohen  
Lois Sorensen  
Allison Ramoy  
Yassert Gonzalez

**Recording Secretary**

Joanne McClellan

Approved summary is from previous meetings can be found on the District's Web site ([www.WaterMatters.org](http://www.WaterMatters.org)).

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

**1. Call to Order and Introductions**

Chair Stefan Katzaras (IAC) and Vice Chair Warren Hogg (PSAC) called the meeting to order. Members, staff, and interested persons were welcomed to the meeting followed by introductions of participants.

**2. Additions and Deletions to the Agenda**

Lou Kavouras stated that there were no additions or deletions to the agenda, but Adrienne Vining, Staff Attorney, will replace Amy Duffey as the presenter for Item #6, Rulemaking Process Overview.

**3. Approval of the October 20, 2009 Meeting Summary**

A motion was made by Jeff Stewart and seconded by Marc Hurst to approve the IAC October 20, 2009 meeting summary as presented. Motion carried unanimously.

A motion was made by Phoenix McKinney and seconded by Todd Petrie to approve the PSAC October 20, 2009 meeting summary as presented. Motion carried unanimously.

**4. Hydrologic Conditions/Drought Update, Water Shortage Restrictions and Water Shortage Plan Update**

Lois Sorensen, Demand Management Coordinator, reviewed hydrologic conditions that indicates that the region continues to deal with impacts from the long-term rainfall deficit. Groundwater levels in the northern region are within the low end of the normal range of fluctuation. Lakes are below the normal range. River flows have responded to recent rainfall, but the flows are not sustained. Public supply storage is in good condition going into the dry season. The forecast shows above normal rainfall through the winter. Ms. Sorensen described the decision making process for water shortage orders—staff monitors and analyzes drought indicators and other factors, a recommendation is made to the Governing Board for their consideration and the Board then makes the final decision as to the declaration of a water shortage. The current Water Shortage is a Modified Phase II order that applies to many uses on a districtwide basis with the exception of parts of Marion County. Key provisions of the current Water Shortage Order were reviewed. The Phase II Order is scheduled to expire at the end of February and the Governing Board will decide what action may need to be taken. Mr. Sorensen discussed the District's Water Shortage Plan is a statutory requirement to provide guidance in response to drought and other temporary water shortage. To move this rulemaking process forward, staff developed an action plan that outlined the meetings of a focus group and a public workshop that began in November 2009, then taking input from these meetings and solicited comments, staff will produce a draft amendment that will be open to an additional focus group meeting and solicited comments to result in a Revised Plan that will go to the Governing Board for consideration of the amendments in March 2010. Proposed amendments include an update to drought indicators, streamline noticing requirements, and other overall improvements to strive for "plain language" wording.

Jennifer Closshey asked if the committee members were experiencing any communication issues within the water shortage orders. Rich McLean asked if there is any way a supplier can avoid the water restrictions if supplies are available for an extended period of time. In response, regional water supply and water conservation was discussed. It was suggested that conservation needs more flexibility. There was discussion of combining District Rule 40D-21 and 40D-22 to provide greater flexibility. Cindi Mick suggested that regarding communication, messaging should offer reinforcement and not be punitive. Members stated appreciation to the Governing Board members present for their participation as direct conduits to express their questions and concerns.

**5. Rulemaking Update**

Lou Kavouras, Deputy Executive Director – Outreach, Planning and Board Services, provided information on the following rulemaking issues:

- Enhanced Water Conservation Requirements – Approved by the Governing Board in September, effective March 2010 unless challenged: The rules apply to public supply, recreation and aesthetic water uses districtwide; 150 max per capita goal; require conservation Plans and reporting; minimize irrigation of common areas; reporting of reclaimed water use; and phasing out irrigation of golf course roughs.
- Second Phase of Northern Tampa Bay Recovery Strategy – Approved by the Governing Board in December 2009, effect February 2010 unless challenged. The goal of the Second Phase rules is to keep pumping from the wellfields to a max of 90 mgd on a 12-month running average: Keep 90 cap in place for another 10-years; continue to use Operations Plan to manage the 11 wellfields; continue data collection and analysis; continue to evaluate and implement mitigation methods to address remaining impacts; continue aggressive water conservation activities; and a "reservoir renovation exception period: to address the potential for temporary exceedance of 90 mgd while reservoir repairs are underway, but only during significant drought and if other sources cannot make up the reservoir loss.
- 20-Year Water Use Permit Rule Amendments – Approved by the Governing Board in July 2009, amendments requested in January 2010. District rules pertaining to permit durations are consistent with permit durations of St. Johns River and South Florida Water Management Districts; provide for 20-year permits for uses with alternative water supply sources; and provide incentives for applicants who undertake extraordinary water conservation and reclaimed water reuse efforts. Ms. Kavouras explained that comments have been received from the Peace River/Manasota Regional Water Supply Authority and district staff are reviewing and addressing these comments. The City of Tampa filed a petition with the

Division of Administrative Hearings (DOAH) challenging reporting requirements in the proposed rule. District staff will make recommendations to delete the reporting language from the proposed rule in January. Staff will also address the Joint Administrative Procedures Committee (JAPC) comments on the rule at the February Governing Board meeting.

- Revise Hunting Provisions – Staff to request the initiation of rulemaking at the January 2010 Governing Board meeting to revise the current issuing of hog hunt permits only via lottery to provide the option to hold open hunts based on need.
- MFLs for the Estaurine Segment of (lower) Peace River will be going to the February 2010 Governing Board meeting for final adoption.
- Refine Water Shortage Plan Rules – the draft rules will be available in January 2010.

**6. Rulemaking Process Overview**

Adrienne Vining, Staff Attorney, provided an overview of the rulemaking process. Each step was explained starting with staff seeking Governing Board approval to initiate rulemaking to the final adopted rule. A best case rulemaking scenario was presented that would take approximately 65 days to the final rule. The process for a worst case rulemaking scenario was explained by use of a flowchart that clearly indicated the steps needed to be followed at each juncture within rulemaking. A worst case scenario could last up to a year or more that would include public workshops, public hearings before the Governing Board or DOAH, a request for Statement of Regulatory Costs (SERC), and JAPC comments that require publication of Notice of Change.

**7. Update of Regional Reclaimed Water Partnership Project**

Alison Ramoy, Staff Environmental Scientist, provided historical background concerning the cooperative funding of reclaimed water projects to manage the water resource to ensure sustainability. Ms. Ramoy explained that the District received a cooperative funding project in December 2008 that would maximize the beneficial use of reclaimed water by TECO's Polk Power Station that would result in a highly efficient industrial use and an additional component of the project would recharge the upper Floridan aquifer with reclaimed water in anticipation of withdrawing additional groundwater. In response to this portion of the project, an Aquifer Recharge Feasibility Study was done to assess regulatory requirements for reclaimed water treatment, to quantify water level improvements following aquifer recharge and subsequent amount of groundwater withdrawal and to perform cost analyses of various recharge options. The approved TECO project will provide approximately 6 mgd of reclaimed water from the City of Lakeland for the Polk Power Station. In order for this project to proceed, the City of Lakeland and TECO were each issued a 20-year water use permit with a condition that TECO and Lakeland enter into a 30-year water supply agreement. The Regional Reclaimed Water Partnership Initiative continues with FY 2010 funding of a Polk County project providing reclaimed water from their Southwest Regional Utility Service Area to TECO and will be funded in the FY2010 budget. Interest has also been expressed by the City of Mulberry to supply reclaimed water to TECO.

**8. FEMA Map Modernization**

Gordon McClung, Engineering & Watershed Management Project Director, explained that staff has been working for several years to modernize mapping used for floodplain management at a Federal and District level. A history of flood control was provided. Mr. McClung stated that in 1968 the U.S. Congress established the National Flood Insurance Program (NFIP) to establish floodplain regulations for communities participating in the program and to allow local governments to adopt floodplain ordinances modeled after land use and zoning. These maps were completed in 1980, then in 2000 the Federal government funded the Map Modernization Program, and currently staff is working on Risk Mapping Assessment Planning (Risk Map). Flood mapping is used in the District's Regulatory process, local governments use it to determine flood risk, and insurance companies use it to determine the amount of liability, and the general public can obtain information that will help to determine if they need flood insurance. The Watershed Management Program is a continuing cycle of update and maintenance to risk maps and floodplain determination. The District faces challenges with local governments; unidentified complications with soils, modeling methods, and accuracy in parcel levels; providing better Flood Insurance

Rate Maps (FIRMS) to understand risks; and managing the reaction to the identified risks. Examples of modernized maps were shown that illustrated the amount of detail that is now provided.

**9. Legislative Preview**

David Rathke, Community and Legislative Affairs Director, explained that guiding principles are followed by staff during the legislative session. At the Federal level, the District supports data collection and analysis, monitors regulatory reforms, and advocates for funding and the priorities are FEMA, national estuaries, USGS, and WRAP. The District is monitoring the following Federal legislation: private activity bonds, tax credit bonds, and new authorizations in the Water Resources Development Act (WRDA). At the State level, the District pursues gains in efficiency, supports regulatory incentives, and advocates for funding and the proposed State legislative initiatives are Basin Board clean-up, conservation, electronic notification, on-line permitting, and the Peace Creek as well as other State water issues, such as delegation of permits, local sources, SERCs, springs, statewide water board, and stormwater. The State budget may not be funding Florida Forever. Every trust fund that the water management district benefits from is dependent on Doc Stamp Revenues and there is not enough funding for priority programs, such as Florida Forever, Water Management Lands Trust Fund, Water Protection & Sustainability Trust Fund, and WRAP. The District is not anticipating new funding and there is potential for further tax reform that could negatively impact the District's budget as well.

**10. Announcements and Other Business**

- IAC Meetings in 2010: April 20 and July 20 at 9 a.m. in the District's Tampa Service Office
- PSAC Meetings in 2010: April 20 and July 20 at 1 p.m. in the District's Tampa Service Office
- Get Outside! Events: Hampton Tract (Polk County)—February 27, 2010 and Deep Creek (DeSoto County)—April 10, 2010
- Proposed agenda items: EPA's Numeric Nutrient Criteria Workshop, Alafia River Reclassification Update, and Election of Chair and Vice Chair.
- Jennifer Closshey asked for suggestions to increase the IAC membership.

**11. Adjournment**

There being no further discussions, the meeting was adjourned at 12:02 p.m.